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# **JUDGE BAKER FOUNDATION**

**PUBLICATION NUMBER 1**







HARVEY HUMPHREY

UPBUILDER OF THE  
JUVENILE COURT

REPRINTED BY THE  
JUDGE BAKER FOUNDATION  
BOSTON, MASS.  
1920



HARVEY HUMPHREY BAKER

APRIL 11, 1869—APRIL 10, 1915

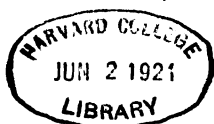
# **HARVEY HUMPHREY BAKER**

## **UPBUILDER OF THE JUVENILE COURT**

**PUBLISHED BY THE  
JUDGE BAKER FOUNDATION  
BOSTON, MASS.  
1920**



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*John F. Kennedy*

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**HARVEY HUMPHREY BAKER**  
**MAN AND JUDGE**  
*By* **ROY M. CUSHMAN**



# HARVEY HUMPHREY BAKER

## MAN AND JUDGE

*By* ROY M. CUSHMAN

The spread of the juvenile court idea is one of the remarkable developments in the field of jurisprudence during the last two decades. Among the juvenile courts of the country the Boston Court has ranked high chiefly on account of the eminent service of its first judge—Harvey Humphrey Baker.

Shortly after Judge Baker died, his friends and associates sought to establish a memorial of him and of his work—something that would help in fostering the growth of the juvenile court movement. A fund was raised; but before any definite steps were taken as to the form of that memorial, those interested realized that the practical test of their loyalty to Judge Baker was to focus all their energy towards the appointment of a fit successor in his work. Their efforts were successful when Governor McCall appointed Frederick P. Cabot. Because of Judge Cabot's vision, the problem as to what form the memorial to Judge Baker should take was most satisfactorily solved by the establishment of the Judge Baker Foundation, made possible through the further contributions of friends, relatives and a wider group interested in the idea to which Judge Baker had given impetus. Such a memorial could not have been established under the leadership of any less resourceful man than Judge Cabot. Here under the skillful direction of Dr. William Healy and Dr. Augusta F. Bronner and their assistants is carried on precisely that kind of scientific study of problem cases of delinquency which Judge Baker so clearly saw was necessary and which he regarded in fact as the next step in the development of

the work of his court. There can be no finer memorial than this for one who literally gave his life in the service of the juvenile court.

So the original memorial fund was merged with the larger one. There remained, however, one thing to do, namely, to publish for the benefit of as wide a circle of interested readers as possible a study of the first five years of the Boston Juvenile Court made by Judge Baker himself with characteristic care, thoroughness and searching analysis. This study is without question a most valuable contribution to juvenile court literature, and it is printed here in the form in which Judge Baker finally completed it. For purposes of comparison, there have been added statistical tables for the second five years which Judge Baker had started to compile. These have been completed by others and are printed without special comment, except for a few remarks to explain marked variations from the figures of the first five years period or for some other obvious reason.

It is hoped that besides being a record, though necessarily an inadequate one, of Judge Baker's work, this study will prove helpful to students of the juvenile court movement, and that this little volume as a whole may be a happy reminder of Judge Baker.

Harvey Humphrey Baker was a thorough New Englander. His Grandfather Humphrey owned a large farm on Newton street, Brookline, Massachusetts. In the enlarged farmhouse his mother was married to James Baker, a merchant, who came from Cape Cod, which has sent forth many of that name to make fame for themselves and their communities. In this same farmhouse Judge Baker was born and lived his life of forty-six years.

He prepared for college at the Roxbury Latin School, graduated with honors from Harvard College in 1891, and from the Law School in 1894. He began at once the

practice of law and soon became a member of the firm later known as Hayes, Williams, Baker & Hersey, in which connection he continued up to his death.

For a year he was clerk of the Police Court of Brookline, and from 1895 to 1906 a special justice of that court.

He was always alive to his duties as a citizen and from early manhood took an active speaking part in the town meetings of Brookline. For a number of years he was one of an advisory committee of thirty to pass upon the articles in town warrants. He also served as trustee of the public cemetery of the town.

In religious matters he was active, serving for years as chairman of the standing committee of the Unitarian church of Jamaica Plain. He was utterly free of any kind of sectarianism. The thought side of religion and matters of philosophy concerned him but little. If one undertook to talk with him about these things he was likely to say, very good-naturedly, that he was not interested. But when it came to the reality of religion, there was no question as to his interest and his devotion, or of the depth of his faith.

Judge Baker's first interest in work for children dates back to his college days when he was persuaded to undertake the duties of visitor for one of the families in the care of the Boston Children's Aid Society. It is interesting, in the light of his later complete absorption in work for children, to note that he felt himself unfitted for the task assigned him. But many times as judge he harked back to his experiences as a friendly visitor, and without doubt they helped him better to appreciate the situations of some of the children whose lives he so profoundly influenced.

In 1895 he served as secretary of a conference of child helping societies of Boston and vicinity and in that capacity revised and edited a Manual for Use in Cases of Juvenile Offenders.



In 1906 when the Legislature of Massachusetts created the Boston Juvenile Court and Governor Curtis Guild called Harvey Baker to be its judge, the appointment was welcomed as a most excellent and fitting one—one that would assure the establishment of the work upon firm foundations.

There were some, however, who, knowing the beginnings of the juvenile court movement in Chicago and Denver, were doubtful as to the wisdom of Governor Guild's choice, and wondered whether Judge Baker's personality, his antecedents and his training were such as to make it possible for him to win the confidence of delinquent children. It is undeniably true that the average layman never would have picked Judge Baker for a successful worker with boys. For such a position one naturally thinks of the man with a peculiar type of personality, informal, able to meet the boys on their own level, a man perhaps whose boyhood had been not unlike that of those he now seeks to influence and direct. Such a man Harvey Baker obviously was not. Carefully nurtured, trained in self-discipline in a Puritan household of the finest type, always free from too much care in the matter of earning his livelihood, remaining a bachelor—all in all, one would say, a life wholly uncalculated to develop an understanding of the lives of wayward boys and girls. And yet he came to occupy a position of leadership among the children's court judges in the country. This success was due to many things—to his sense of fairness, his untiring devotion to duty, his great patience, his firmness when occasion demanded, his judicial turn of mind, his profound legal sense and knowledge of the law, his keen intelligence, his tactfulness—but above all to the beauty, simplicity, and genuineness of his personal character. Such a nature as his conquered by force of its sincerity. All who came in contact with him were ennobled.

How wonderfully was this fineness of character displayed in his work with wayward girls! His handling of this, perhaps the most difficult of all juvenile court problems, was both delicate and masterly. It called forth unstinted praise from all who had the opportunity to observe it.

Here, as in all the different kinds of cases with which he had to deal, he seemed to be guided by a "child sense" which enabled him, a bachelor, to understand the problems of his court far better than most fathers could have done. His success showed that what is required in a children's court judge is not so much the fact of parenthood as the instinct of the father. "Did you ever see him say good-bye to a boy, who, through successful probation, had gained the victory over himself? That little dismal room was then brightened with the 'light that never was on land or sea' as, with that smile which blessed all on whom it fell, he bade him a Godspeed and let him go."

As he understood the point of view of the child, he also appreciated the problems of the parents. With rigid adherence in every case to the idea of the parents' responsibility for the child's conduct, he recognized how difficult a task it is to bring up children decently in some of the congested city neighborhoods. Invariably he insisted upon seeing at least one, and in many instances both, of the parents of every child who came before him.

It was often difficult, on account of the danger of losing employment, for parents, and working children as well, to come to court in the daytime, so with characteristic disregard for his own comfort Judge Baker arranged to see them in the evening. He had one evening session each month regularly and many special ones, besides frequently working by himself well into the night.

No man of Judge Baker's stamp could long continue in work of such an intimate nature with those who, for one reason or another, have become social misfits, without

recognizing the all too evident causes for their becoming such—causes which go down deep and are beyond the reach of a juvenile court as such to eradicate. Furthermore, recognizing these causes, he was impelled to do something about them. Concerning defective children he often said: "It is not the defective who gets into my court who bothers my conscience—we are able to do something for him. What bothers me is that so many defectives are allowed to drift about until they finally get into trouble and are brought to court in disgrace, when society should have taken them by the hand and helped them long before."

So he lent his influence to many movements outside the court. Most conspicuous among these was the Massachusetts Society for Mental Hygiene, in the organization of which he took a leading part, being chosen its first president and raising through his own efforts most of the original fund. He was secretary of the Association of Municipal, District and Police Court Judges, and was active in the councils of the National and State Conferences of Charities and Correction and the National Probation Association, having been president of the latter two.

Judge Baker was a conservative and yet he was always forward moving. He was ever on the alert to discover ways of improving the work of his court. Before accepting the judgeship, he traveled about the country visiting many of the then existing juvenile courts and institutions for delinquent children, industrial schools, detention homes, etc.; and throughout his administration he maintained this student attitude, visiting wherever he could witness the operation of some method which was proving successful or wherever he could talk with an expert whose advice he believed would be valuable to him. His knowledge of the institutions to which he was sometimes called upon to commit children was of a degree all too rarely acquired by judges. When Judge Baker committed a child, he knew

the institution to which he was sending him. Not infrequently he visited him at the institution and always watched with interest his career while there and after parole.

Coupled with this student attitude there went a quite extraordinary habit of self scrutiny—one of the strongest evidences of his sincerity of purpose. Never did he insist on a policy or method because it was his. He seemed always to be asking, "Are we developing the court as we should? Are results what they should be?" To help answer these questions and to secure unbiased criticism of his work, he invited in at his own expense a trained investigator from another city who spent several days observing the operation of the court in all its aspects. The monthly conferences with his probation officers and the special justices of the court were made the occasion for very careful analysis of the operation of the court in both its broader aspects and its most minute detail. These conferences were most helpful and inspiring to the other workers in the court and, on account of the opportunity they offered them to know their judge in a more intimate relationship, confirmed in them their deep devotion to him as man and leader.

Those who knew Judge Baker only through an occasional meeting in the somewhat formal atmosphere of his court knew him but half. There his close application to work crowded out some of the lighter, more lovable qualities of his personality. Premature grayness, a rather pronounced stoop, the habitual look of earnestness he wore made him appear on first meeting decidedly older than his years and led the casual observer to feel he was perhaps interested only in the graver concerns of life. But his friends knew him as anything but austere. Away from his work he entered into enjoyment with zest. He loved the out-of-doors. The joyousness and youth of his spirit were apparent as he swung along a country road, head up, shoulders

squared, step jaunty, whistling a merry tune. He had a keen sense of humor and was the life of every gathering where he chanced to be. He had a fund of good stories and told them well. A playful mood, which would hardly be suspected, manifested itself in many ways. A little daughter of one of his friends chanced to be born on Judge Baker's birthday. When she reached her fourth year, and he his fortieth, he greeted her thus:

"You know we two are truly twins,  
But you can't crow and be real haughty,  
And say you're young and I am old  
Because you're four and I am forty.  
A man's no older than he feels;  
I still can play and be real naughty,  
And every way this year we're twins,  
For naught's the diff twixt 4 and 40."

Perhaps Judge Baker's greatest contribution to the community, aside from his own devoted service, was his development of coöperation. Work for neglected and delinquent children focused in his court, and he was thoroughly acquainted with all the forces in the community bearing upon the care of children and the improvement of conditions affecting them. He knew where to turn for help in any particular emergency, and commanded the hearty support of public departments and private societies. In a high degree he was a "socialized" judge—a type of judge which the juvenile court has especially developed, but which, it is hoped, will before long be the rule rather than the exception in all courts, adult as well as juvenile, throughout the land.

Even though in a very real sense the Boston Juvenile Court was Judge Baker, he would have regarded his work as in vain had it failed to affirm certain truths which outlast any human life. His work proved the soundness of some of the principles of the juvenile court idea—first,

that the question, "What shall we do with the offender?" is more important than "How shall we punish the offence?" second, before we can decide intelligently what to do with the offender we must know him; third, to know him takes time.

Perhaps more than in any other particular, juvenile court procedure differs from the procedure of the regular criminal court in the amount of time devoted to the treatment of each case. This makes the juvenile court apparently more expensive, but society is learning that to take time in the beginning to get the right hold on a problem is not expensive in the end, and that the day must come when an even greater amount of time will be given to the study and treatment of offenders in all criminal courts.

Lavish as he was in the expenditure of time upon the cases in his court—his work was truly scientific in its thoroughness—Judge Baker realized that it was necessary to know more about some children than any judge and his probation officers could discover unassisted. As is seen in his five year review, it was that realization that showed him the need of a clinic for the study of problem cases.

And now we have such a clinic in Boston, and it is most properly a memorial to Judge Baker and his work. The Judge Baker Foundation is proving a most valuable adjunct to the court, and its experts are gathering a mass of scientific data which are bound to be of inestimable value in the many problems connected with delinquency and crime.

Organized and at work since April, 1917, the Foundation is collaborating closely with Judge Cabot, the probation officers, and the various child-helping agencies in thorough studies of those children coming before the court whose cases present difficulties and of those who fail to respond to the usual treatment. The studies are divided under three heads—medical, psychological and social. Under Dr. Healy's direction only a general medical examination

is given, special troubles being referred to specialists. The psychological examination is searching, the aim being to discover possible mental defects or aberrations which require treatment or special supervision, special capabilities or interests that have not been developed, and matters of mental life or of habits which need understanding. All the social aspects of the case are got at through the investigations of the probation officers, agents of the child-helping societies and the trained field worker on the staff of the Foundation. Finally all the findings are put together to complete, as far as possible, a true picture of the significant features of each individual case, and thus give the judge essentially the same approach to his problems in the matter of the relation of cause and effect as the scientist has in his laboratory or the modern business man in his factory or office.

Thus, though no longer here, Judge Baker's vision and hope have become real and this is all the memorial he would have wished.

**JUDGE BAKER'S REVIEW OF THE FIRST FIVE  
YEARS  
OF THE  
BOSTON JUVENILE COURT**





# JUDGE BAKER'S REVIEW OF THE FIRST FIVE YEARS

OF THE

## BOSTON JUVENILE COURT

SEPTEMBER 1, 1906-AUGUST 31, 1911

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OFFICERS  
OF THE  
BOSTON JUVENILE COURT

1906-1911

*Justice*

HARVEY H. BAKER

*Special Justices*

FRANK LEVERONI

PHILIP RUBENSTEIN

*Clerk*

CHARLES W. M. WILLIAMS

*Probation Officers*

SAMUEL C. LAWRENCE (agent of the Boston Children's Aid  
Society\*) *pro tempore* Sept. 1, 1906-July 31, 1907

JOHN A. ELLIOTT (agent of the St. Vincent de Paul Society\*)  
*pro tempore* Sept. 1, 1906-Dec. 31, 1906

CLARENCE E. FITZPATRICK Jan. 1, 1907-Sept. 1, 1911

ROY M. CUSHMAN Aug. 1, 1907-

*Agent of the Council of Jewish Women attending the court  
in the nature of a probation officer for Jewish children*

ROSA Z. KROKYN Sept. 1, 1906-Dec. 1, 1909

KATHARINE WEISMAN Dec. 1, 1909-

*Agent of the St. Vincent de Paul Society attending the  
court in the nature of a probation officer for Catholic girls*

ELIZABETH J. MCMAHON Feb. 1, 1907-July 1, 1910

LILLIAN F. FOSS July 1, 1910-

---

\* The Children's Aid Society and the St. Vincent de Paul Society gave the court the full services of these experienced court agents for a large part of the first year. This generous arrangement was extremely valuable because it gave the court at the outset experienced service and enabled the court to proceed with due deliberation in the choice of permanent probation officers.

## JURISDICTION OF THE COURT

Roughly speaking the court has jurisdiction of all children under seventeen years of age who commit offences in the business district and the North, West, and South Ends, and the Back Bay. It has no authority whatever over children who commit offences in other parts of the city, and has nothing whatever to do with them in any way.

The boundary lines of the territory over which the court has jurisdiction run as follows, viz.:

Beginning at the intersection of Massachusetts avenue with Charles River; thence by Massachusetts avenue, the Providence Division of the N. Y., N. H. & H. R. R., Camden, Washington, East Lenox, Fellows, Northampton, Albany streets, Massachusetts avenue, the Roxbury Canal, East Brookline street extended, the N. Y., N. H. & H. R. R., the water line of South Boston, Bristol street extended, and the water line of the City proper, to the point of beginning.

The only cases in which the court ever has anything to do with a child from outside that territory are those in which such a child comes inside that territory and commits an offence there.

**PART I**  
**STATISTICS AND STATISTICAL COMMENT**





# PART I

## STATISTICS AND STATISTICAL COMMENT

### NUMBER OF CHILDREN BROUGHT TO COURT

The Boston Juvenile Court completed its first five years on August 1, 1911. During those five years 5,520 different children were brought before the court, 4,638 were boys and 882 were girls. Of these children 4,719 were delinquent or wayward and 801 neglected. Of the delinquent and wayward children, 4,254 were boys and 465 were girls.

The figures for the different years are as follows:\*

	1906-7	1907-8	1908-9	1909-10	1910-11	Total
Delinquent Boys. . . .	950	1,115	1,146	942	920	5,073
Delinquent Girls. . . .	81	113	99	102	82	477
Total Delinquent						
Children . . . . .	1,031	1,228	1,245	1,044	1,002	5,550
Neglected Children. . . .	93	196	185	199	156	829

---

\* Adding the figures given in this table will give a total exceeding the real total of children brought before the court in five years, because there are a number of instances of the same child being brought before the court in more than one year.

Wayward children are included with delinquent children in this table as the nature of their cases does not differ materially in most instances from those of delinquent children. A wayward child is defined by statute as a child who habitually associates with vicious and immoral persons or is growing up in circumstances exposing him to lead an immoral, vicious or criminal life. A delinquent child is one who is proved to have committed some specific offence.

## CAUSES FOR WHICH THE CHILDREN WERE BROUGHT TO COURT

	1906-7	1907-8	1908-9	1909-10	1910-11	Total
Assault and Battery (including 2 cases of Manslaughter).....	66	112	79	70	59	386
*Robbery, Breaking and Entering, Lar- ceny, Receiving Stolen Property, Using Vehi- cles without Permis- sion, Forgery, and False Pretences.....	415	567	371	444	412	2,209
Fornication, Idle and Disorderly, Lewd, Wanton and Lascivi- ous, Rape (1 case), Unnatural Acts, Exposure of Person, Obscene Pictures.....	17	22	29	28	18	114
Stubborn Children and Runaways.....	52	68	49	36	49	254
Gambling.....	93	114	130	177	128	642
Drunkenness.....	6	7	10	9	10	42
Miscellaneous Statutory Misdemeanors (includ- ing Breaking Glass and other forms of Trespass, Loitering at R. R. Stations, Beg- ging, Disturbing the Peace, etc.).....	97	119	104	93	62	475
Violation of City Ord- inances, such as Playing Ball in the Street, Stealing Rides on Cars, etc.....	165	222	335	126	139	1,087
Violation of License Regulations.....	78	125	282	152	229	866
Truancy.....	95	64	51	38	19	267
Waywardness.....	35	52	34	51	45	217
Violation of Probation...	6	11	9	20	13	59
	1,125†	1,483†	1,483†	1,244†	1,183†	6,508†
Neglect.....	93	196	185	199	156	829

\* There were 30 cases of Robbery in the 5 years.

† The total causes for which children were brought to court in any year exceeds the number of children brought to court in that year, because in some instances the same child came in more than once during the year.

NOTE: The classification in the foregoing table is made (for the most part) from the standpoint of the offender and is based (for the most part) on the

## CAUSES FOR WHICH GIRLS WERE BROUGHT TO COURT

	1906-7	1907-8	1908-9	1909-10	1910-11	Total
Assault and Battery....	1	3	5	3	2	14
Larceny, etc.....	22	36	29	32	28	147
Runaways, Immoral, etc.	44	72	64	60	51	291
Drunkenness.....			2			2
Truancy.....	9	3		6	1	19
Violation Ordinances, etc.....	5		1	2		8
	81*	114*	101*	103*	82*	481*
Neglect.....	48	96	99	100	77	420

motive or appetite underlying the act. Certain items do not conform to the general scheme. "Stubborn Children and Runaways" include some who have stolen and some who are immoral; "Waywardness" includes some who have a *tendency* toward stealing or immorality; "Truancy" and "Miscellaneous Statutory Misdemeanors," "Violations of City Ordinances" and "Violations of License Regulations" might properly be merged so far as the standpoint of the offender and the underlying motive are concerned, for they come mainly from carelessness or the spirit of play.

The customary classification (*viz.*:—into "offences against the person," "offences against property" and "offences against public order") is made from the standpoint of the offended, and is based on the effect of the act. Robbery is grouped with other forms of stealing in the foregoing table, because the motive prompting the offender to do it is the same as the motive prompting him to steal; but it is ordinarily classed with assault and battery, because from the standpoint of the offended the personal injury is apt to be the more serious feature.

In the foregoing table sex offenses, gambling, and drunkenness are entered independently, because the appetites underlying them are separate, while most of them are ordinarily grouped together under "offences against public order," because most of them do not offend any special individual but rather the citizens of the community as a whole.

The reason for making the classification in the foregoing table from the standpoint of the offender and on the basis of his motive or appetite is that in juvenile cases the approved method of serving society is to improve the offender; and in every effort to improve the offender, what led him to offend is more important than the effect of his offence.

\* The total causes for which girls were brought to court in any year exceeds the number of girls brought to court in that year because in some instances the same girl came in more than once during the year.

## DISPOSITION OF THE CASES

*Delinquent and Wayward Children Ordered Committed\**

	1906-7	1907-8	1908-9	1909-10	1910-11	Total
Mass. Reformatory (boys).....	15	8	4	3	3	33
Ind. School for Boys at Shirley.....			2	18	15	35
Suffolk School (boys)...	34	26	17	8	20	105
Lyman School (boys)...	17	33	18	20	19	107
George Jr. Republic (boys)†.....	1	4	1	2	3	11
Berkshire Ind. Farm (boys)†.....		1			1	2
St. Mary's Ind. School at Baltimore (boys)†.			2	1		3
Parental School (boys)...	45	37	26	13	8	129
Ind. School for Girls at Lancaster.....	17	31	26	26	20	120
House of Good Shepherd (girls)†.....	15	17	19	11	6	68
State Board of Charity (boys and girls).....	11	19	13	20	38	101
	<u>155</u>	<u>176</u>	<u>128</u>	<u>122</u>	<u>133</u>	<u>714</u>

\* In 67 instances appeals were taken from these orders to the Superior Court, and in most of those instances the Superior Court refrained from committing and placed the children on probation, or filed or nolle prossed their cases.

† The court has no authority to commit a child to any private institution, but in certain cases if parents prefer any private institution, the child is placed on probation making it a condition of the probation that the child shall be placed in the institution desired and not taken out without the consent of the court.

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## Neglected Children Ordered Committed

	1906-7	1907-8	1908-9	1909-10	1910-11	Total
State Board of Charity and Trustees for Chil- dren of the City of Boston*.....	20	51	33	58	34	196
Home for Destitute Catholic Children†...	43	84	63	80	51	321
	<u>63</u>	<u>135</u>	<u>96</u>	<u>138</u>	<u>88</u>	<u>517</u>

## Number of Fines Imposed

	1906-7	1907-8	1908-9	1909-10	1910-11	Total
Assault and Battery....	2	17	8	4	4	35
Larceny.....		1	4	1	2	8
Gaming.....	3	22	16	30	21	92
Violation Ordinances (inc. auto regulations)	22	80	88	42	34	266
Violation License.....	22	33	96	32	82	265
Violation Probation....	6	11	6	16	10	49
	<u>55</u>	<u>164</u>	<u>218</u>	<u>125</u>	<u>153</u>	<u>715</u>

## AMOUNTS OF FINES IMPOSED FOR FIVE YEARS

	\$1	\$2	\$3	\$4	\$5	\$6	\$8	\$10	\$15	\$20	\$25	\$50	Total
Assault and Battery..		2	6		9	1		9	2	1	2	3	\$413
Larceny.....			1		2			3	2				73
Gaming.....	1	12	27	1	39			11				1	465
Vio. Ord.†.....	35	84	45	1	76	2	3	16		1	3		1,013
Vio. License.....	128	100	20		16			1					478
Vio. Prob.....	7	17	13	1	11								139
	<u>171</u>	<u>215</u>	<u>112</u>	<u>3</u>	<u>153</u>	<u>3</u>	<u>3</u>	<u>40</u>	<u>4</u>	<u>2</u>	<u>5</u>	<u>4</u>	<u>\$2,581</u>

\* The cases of 28 of these children were appealed.

† Children are not permanently committed to this private institution, but are placed in its care on continuance under Acts of 1903, chap. 334, sec. 3, subject to recall by the court at any time.

‡ Violations of statutes in regard to operation of motor vehicles are included for convenience with violations of ordinances.

## CHILDREN PLACED ON PROBATION

1906-7	1907-8	1908-9	1909-10	1910-11	Total
418	722	543	520	443	2,646

## FOUND NOT DELINQUENT OR NOT GUILTY

1906-7	1907-8	1908-9	1909-10	1910-11	Total
44	63	35	35	40	217

## DEFAULTS

There were on September 1, 1911, 134 children who had defaulted and whose whereabouts were unknown;\* 58 of these were delinquent or wayward children and 76 were neglected children.

## MISCELLANEOUS

In many of the cases not comprised in the foregoing dispositions the children were made to do some task like copying eight pages of laws and ordinances which children are likely to violate. In many of the cases for violation of license regulations, the licenses were suspended by the School Department. In a small number of cases the children were allowed to go with just a warning. There is no way of giving the exact numbers of these various minor dispositions, as their only proper, technical entry on the clerk's docket is "filed" or "dismissed" and there is no practicable way of compiling dispositions except from that docket.

## AGES

Compilation of the ages in 2,148 cases of children brought to court for larceny and kindred offences in the five years

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\* There were 111 more children technically in default, *i.e.*, they had not been present on the last day for which their cases had been set down, but their whereabouts were known and they could have been produced if it had been deemed necessary or desirable to bring them in.

gives (omitting fractions of a per cent.) the following percentages:

<i>Years.</i>	<i>Per Cent.</i>	<i>Years</i>	<i>Per Cent.</i>
Seven.....	1	Twelve.....	12
Eight.....	3	Thirteen.....	14
Nine.....	4	Fourteen.....	16
Ten.....	6	Fifteen.....	14
Eleven.....	7	Sixteen.....	19

This detailed statement may be roughly summarized as follows: one fifth were under twelve years, one fifth were sixteen years and the remaining three fifths were fairly evenly distributed over the four intervening years.

There were no significant variations in the annual percentages during the five year period.

#### RACIAL EXTRACTION

Statistics as to the racial extraction of the children are of no real significance. The court's jurisdiction is confined to the central part of the city, comprising, roughly speaking, the North, South and West Ends and the Back Bay. The great preponderance of all the children in that district are of Irish, Italian and Jewish extraction. Accordingly if there are to be any substantial number of children in court at all, they must be largely of those three races. There are no figures available as to the respective numbers of each of those races in the central part of the city, and it is impossible to make a comparison even on the basis of proportion of offenders to the total numbers of the different races.

#### RESIDENCE

The statistics have not been fully compiled, but it is clear that a large majority of the children live in the district served by the court, viz.: the North, West and South Ends and the Back Bay, though a substantial number live in the adjacent districts.



## VOLUME OF BUSINESS

The number of different children brought to court has steadily decreased since the second and third years, when there was a marked increase over the first year, matching the increase of adult offenders from the same territory. But the number of children brought to court is not a real test of the increase or decrease of juvenile lawlessness. The prosecutions by the police for violations of license regulations and city ordinances, etc., vary greatly from year to year, without any close relation to the actual number of offences; on the other hand, almost all the cases of larceny and kindred offences are prosecuted every year. Therefore the number of instances in which children are brought to court for larceny and kindred offences is a better test than the number of children brought to court for all offences combined. It appears that there has been no steady trend either way in the number of instances in which children were brought to court for larceny and kindred offences. While there were three less the last year than there were the first year, yet in two of the intervening years the numbers were greater than those of the first year. It is interesting to notice, however, that there has been in the end no *increase* in such instances, while on the part of adults in the same territory there has been an increase every year except one during the same period. The figures for adults are as follows:

Year of 1906-07.....	1,879
Year of 1907-08.....	2,280
Year of 1908-09.....	2,695
Year of 1909-10.....	2,501
Year of 1910-11.....	2,737

The numbers of the different offences for which children were brought to the former court the last year before the establishment of this court are not available. There were on the docket of the former court 1,221 entries of children

complained of that year for all offences. The number of entries on the docket of this court of children complained of in each of the five years of its existence are as follows:

Year of 1906-07.....	1,350
Year of 1907-08.....	1,726
Year of 1908-09.....	1,714
Year of 1909-10.....	1,487
Year of 1910-11.....	1,368

But, as previously stated, a comparison based on the total of all offences is not very valuable.

It is worth noticing in considering the volume of business that a steady increase would not have been surprising, because the population of the district served by the court has increased ten per cent. during the court's existence (though there is for some reason no increase in the number of children in school). Moreover an *increase over the business of the former court* might be expected for the following reasons:

1. The legislation of 1906 provided for bringing to court certain children termed "wayward children" who could not previously have been brought to court at all, viz.: children who, though not having any specific offence charged to them, habitually associate with vicious and immoral persons, or who are growing up in surroundings exposing them to lead immoral, vicious or criminal lives.

2. Parents, social workers, employers, police and citizens will bring to a special court, whose officials have full time and special facilities for dealing with them, cases which they would not have brought to the former court.

#### TRUANCY

The number of children brought before the court for truancy each year has decreased steadily from 95 to 19. While this decrease is due chiefly to increased efficiency of the school department, it is partly due to the close coöpera-

tion between the court and the schools. By this coöperation poor school attendance on the part of children brought to court on account of other forms of delinquency is promptly discovered by the court and made an important factor in probationary oversight, so that frequent school reports are obtained during probation, and probation is not terminated until the reports show that the weakness in attendance is cured.

The decrease is also partly due to the fact that the court has time to consider carefully all applications for leave to complain; and in cases which, though appearing at first to be cases of truancy on the part of a single child, seem on further inquiry to be cases of the neglect of a whole family of children on the part of parents, the court sets in motion the proper agencies to have the whole family cared for under the neglect law.

The year before the establishment of the new court there were 118 children brought to the former court for truancy and 99 of them (or 84%) were ordered committed to the truant school. In only one year\* since that time have more than 50% been ordered committed. This decrease in the proportion of commitments is also due largely to the school department, which has become increasingly resourceful in handling truants on probation, but is due in a substantial part to the increased time which the new court can give to such cases.

#### COMMITMENTS

*Proportion of Commitments to Number of Children.* Twelve and eight-tenths per cent of the delinquent and wayward children brought to court in the five years were ordered committed to reform schools (or the equivalent of reform schools) to be given institutional treatment, and 2.2% were ordered committed to the State Board of Charity

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\* In that year 58% were committed.

to be placed in private families, making the total orders of commitment of delinquent and wayward children fifteen per cent.

*Comparison of Commitments to Reform Schools Between Former Court and New Court.* The only available basis for this comparison is the proportion of orders for commitment to the number of entries on the docket of children complained of.\* Omitting from consideration orders for commitment of truants, which have been greatly reduced as set forth above, the figures are as follows: last year of former court, 6.6%; first year of new court, 6.1%; second year, 5.6%; third year, 3.9%; fourth year, 5%; fifth year, 5.6%.

It was probably expected by some of the persons who advocated the establishment of the new court (judging from the experience of other states) that the number of commitments to reform schools would be more markedly decreased. But anyone who entertained such expectations failed to consider that there have not been for many years in Massachusetts such wholesale commitments of children as there have been in other states up to the moment of

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\* Strictly the comparison should be of the proportion of orders for commitment to the total instances of children brought to court for offences for which commitment is permissible over a five-year period in each court. There are however no statistics available for any year of the former court but its last, and even for that year there are none available as to the number of different children brought to court or the different offences for which they were complained of. Therefore the nearest approach to a fair comparison is to take in each court the proportion of orders for commitment to the number of entries on the docket of children complained of. The very low figure of the third year of the new court is due, in part at least, to an unusually large number of license and ordinance complaints (on which commitments cannot be made) being entered in that year. "Commitments" to private institutions are omitted in making the comparison, because there is no record of the instances where children went to private institutions from the former court. The institutions actually comprised in this comparison are the Massachusetts Reformatory, the Industrial School for Boys, the Lyman School, the Suffolk School and the Industrial School for Girls. The total number of orders for commitment to these schools the last year of the former court was 81.

their establishing juvenile courts. Probation in the sense of refraining from the commitment of first offenders has long been generally availed of in all our Massachusetts courts in juvenile cases. The former court was always disposed to be merciful in the matter of commitments and almost always had the benefit of the recommendations of agents of the State Board of Charity, the Children's Aid Society, the St. Vincent de Paul Society, and the Council of Jewish Women, and probably made few commitments which could very well be avoided by any court. Even if the new court has refrained from committing in certain cases where the former court would have committed, the more intimate knowledge of the cases which comes from the continuous sitting of one judge and the continuous service of two probation officers, as contrasted with the former method of rotation of judges and the intermittent service of private agents has doubtless resulted in the appreciation of the need of commitment in certain cases in which the need would not have become apparent to the court under the former system. Then again, in view of the very much greater number of fines imposed by the former court (480 its last year against 218 in the heaviest year in the new court, and an average of 145 for the five years) it is probable that some cases were disposed of in the former court by punishment in the form of a fine instead of by an effort to secure reformation by treatment in an institution. In any event each commitment by the new court was made only after careful consideration of the interests of each child, giving at the same time due regard to the protection of the community and paying no attention to any preconceived notion as to how the figures should come out. Certainly the figures take the ground from under the feet of anyone who alleges that there has been dangerous increase of leniency and claims that there is any increase in lawlessness from that cause.

*Commitments to State Board of Charity.* The increase in commitments to the State Board of Charity is due to a growing conviction that young children who have had homes should be given a better environment at an early period. A large proportion of the children committed to the State Board of Charity on delinquency complaints have no need of the strict discipline of a reform school, and would never have been committed if they had had good homes.

#### FINES

The number of fines imposed by the Boston Juvenile Court has in no year reached 46% of the number of fines imposed in the last year of the previous administration, but the average size of the fines imposed by the new court is greater. The number of fines imposed in juvenile cases by the former court in 1905-6 was 480, amounting to \$546.10, an average of \$1.10. Fines were imposed in 40% of the cases. The highest number of fines imposed in any year by this court was 218, amounting to \$808, an average of \$3.72. Fines were imposed in 13% of the cases of that year. In comparing the number of fines imposed by the two courts it should be noticed that two fifths of the fines imposed by the new court were for license violations, a form of offence which was much less frequently prosecuted prior to the establishment of the new court, and therefore the number of fines imposed in the new court for the more serious offences must be substantially less than 46% of the number of fines imposed by the former court for those more serious offences.

#### REPEATING

*Repeating in General.* Of the 837 children who were found delinquent the first year 285, or 34%, were found delinquent more than once during the five years. The details are as follows:

<i>Two Times</i>	<i>Three Times</i>	<i>Four Times</i>	<i>Five Times</i>	<i>Six* Times</i>	<i>Seven* Times</i>	<i>Eight* Times</i>
157	68	39	11	8	4	1

*Repeating Offences Other than Violations of Ordinances and License Regulations.* Of the 650 children who were found delinquent the first year for offences other than violations of ordinances and license regulations 207, or 31.6%, were found delinquent more than once during the five years for offences of that same restricted class. The details are as follows:

<i>Two Times</i>	<i>Three Times</i>	<i>Four Times</i>	<i>Five Times</i>	<i>Six Times</i>	<i>Seven Times</i>
118	49	29	8	2	1

*Repeating by Children Placed on Probation.* Of the 418 children placed on probation the first year 164, or 39%, were either committed for failing on probation or were found delinquent again during the five years for some offence other than violation of ordinances or license regulations.†

*Repeating by Children whose First Appearance was Subsequent to First Year* is not reported here because the briefer period of observation would make the figures of less value even than those as to children appearing in the first year.

*Even the Figures above Given as to Children of the First Year do not Show the Full Amount of Repeating* because they do not include the following instances of repetition:

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\* An analysis of the records of the ten children who were in six times or more shows that two never did anything worse than gambling, three were given the benefit of thorough institutional training early in their careers and it therefore seemed futile to commit on account of subsequent misconduct, unless just for the sake of getting them out of the community; one did nothing which gave legal ground for commitment until the end; two others showed periods of over a year between their serious acts; in the remaining two cases there were special circumstances which would take too much space to recite here.

† Of the children placed on probation 389 were boys and 32 were girls; 153, or 39½%, of the boys and 11, or 34½%, of the girls were committed for failing on probation, or were found delinquent again in the five years for some offence other than the violation of ordinances or license regulations.

1. Instances never discovered or never prosecuted by the authorities.
2. Instances where a later offence was committed in another jurisdiction.
3. Instances occurring after the defendants had passed the age limit of the jurisdiction of this court.

On the other hand it should be borne in mind that in a substantial number of instances not all the offences for which the child was found delinquent were serious, even though they were other than the violations of ordinances and license regulations. Many cases of assault and battery are only snowballing or similar petty annoyances. Even larceny is in many instances the mildest kind of pilfering. It is not practicable to eliminate such instances from the computation and they may be considered to offset to some extent (though not wholly) the unincluded instances above mentioned.

*In Comparing These Statistics with Similar Statistics from Other Jurisdictions* the following points should be borne in mind:

1. There are few jurisdictions where the figures have been compiled for so long a period as five years. The period taken is usually two or three years.
2. The jurisdiction of most courts includes all sections of a city or county. The jurisdiction of this court includes only those sections of the city where many parents from ignorance or poverty are in no position to profit by the warning of a child's being in court once and keep him out thereafter by their own exertions.
3. There is reason to believe that in Boston the very efficient attention to weak homes and difficult children on the part of an unusual number of private agencies, together with the increasing attention of the school department to all aspects of children's lives saves the coming to court of many of the more readily adjusted cases which in other jurisdictions would be referred to the court, so that the Boston court has a more thoroughly sifted and less promising group to deal with. An experienced observer has



claimed to notice a much larger proportion of mentally deficient children passing through the Boston court than through others visited.

4. The basis for computing repeating is usually at least as broad as that in the first group here reported, namely all the children *found delinquent*, and the statistics of repeating by those placed on probation are not so frequently compiled.

5. In statistics for repeating by probationers—

(a) The greater the percentage of commitments, the less will be the percentage of repeating in any limited period. A large percentage of commitments means,—first, that some of the less promising children (who would be tried where there is a small percentage of commitments) are not tried on probation at all; and second, that those who prove unstable are early surrendered,—a child in an institution cannot repeat.

(b) In some jurisdictions first offenders who pretty clearly need no oversight are placed on probation just to impress them or their parents or their associates with the seriousness with which the court regards their conduct. Such jurisdictions will show a less percentage of repeating among probationers than jurisdictions which dispose of such cases either with a reprimand or some suitable punishment without using probation.

*Statistics as to Repeating as a Test of Efficiency.* Statistics as to repeating are the only statistics which could ever come anywhere near affording a statistical test of the efficiency of a juvenile court, and it is to be hoped that the percentage of repeating in this court will decline as time goes on; but it is to be borne in mind that some of the best authorities declare there is no statistical test of a court's efficiency which is of any substantial value, and the only basis on which to judge the work is observation of the handling of individual cases.

## **PART II**

### **METHODS**



## PART II

### METHODS

#### PROBATION

*Probation in General.* More than half the children brought before the court for offences other than violations of ordinances and license regulations are placed on probation. The period of probation is rarely less than six months; it is frequently a year, and it is often more than a year.

The most important feature of probation is the one which is most difficult to describe. That feature is the personal attention of the probation officer to the probationer. This attention is given by visits to the home, by acting as arbiter between the child and unreasonable parents, by friendly talks with the child at the time of reporting, by conferences with the child and the teacher at school for the adjustment of school difficulties, by accompanying the child to the hospital, by assisting in straightening out disputes as to newsboy rights, by helping him through the formalities of obtaining working certificates, by suggestions as to opportunities for work, by connecting him with clubs and classes and in many other ways. The impersonal and less important features—more correctly termed incidents—of probation are easy to describe, and some of them are described in the following paragraphs:

*Daily Reports for Idle Boys.* Boys who have left school whose delinquency appears to be due to their having acquired the habit of idleness are required to report to the probation officer daily until they get work. At their daily visits they are required to state just what they have done in the past twenty-four hours in the way of looking for

work, and they are directed to various means for securing employment.

*Restitution.* Boys who are earning money or receiving spending money are required to make restitution. Over \$1700 has been paid through the probation officers by 467 different children and mostly in small instalments—sometimes as small as five cents per week. The chief value of such restitution as this lies in its moral effect on the culprits; a boy who pays one dollar in twenty instalments of five cents out of his spending money is more impressed than a boy whose parents pay ten dollars for him at once.

*Saving as an Antidote for Gambling.* Boys who have been gambling are required to start savings bank books, and show them with fresh deposits at stated periods. Many boys have saved between five and ten dollars in six months in this way, and some have saved over twenty-five dollars. (For results in a group of cases see Appendix.)

*Evening Reports for Working Boys.* Many working boys are required to meet their probation officer once each week in the evening and talk with him about their recent doings and their plans for the future.

*Difficult Boys Report Frequently to the Judge.* Some of the more difficult boys, who can conveniently come to the court house, are required to report frequently to the judge to be admonished or encouraged as their cases may require.

*Saturday Work for Lapses of School Boy Probationers.* School boys who stay out of school while under the oversight of the court are frequently required to make restitution of the time thus stolen by spending an equal number of hours on Saturday morning copying under the direction of the probation officer in a room adjacent to the court room. This practice is also resorted to as a punishment for school boys for minor offences.

*A Few Days in Jail.* In some cases of older boys, where commitment appears almost inevitable, commitment to

jail for a few days (under the form of a continuance of the case, not a sentence) is tried on the chance that the experience may give a sufficient stimulus to the boy to avert the necessity of further restraint.

*A Few Days' Detention Away from Home.* Some of the younger boys, whose commitment to a truant school or reform school seems imminent, are kept from home a few days in private institutions or selected families in the country to see if a temporary separation from their families will not bring the desired results.

*Placing Out.* In several cases where it is practically hopeless to try a child on probation at home (such cases arise from the unfitness of parents or from the lack of parents, unsuitable environment, and incompatibility of temper) the children are placed on probation in carefully investigated homes by the Boston Children's Aid Society, the St. Vincent de Paul Society, and sometimes by other societies, under the frequent visitation and close oversight of their trained agents.

#### COMMITMENTS TO INSTITUTIONS

Commitments are used to a substantial extent, as shown by the foregoing statistics, but they are not resorted to until the court has been satisfied by a full report on the child's previous conduct or a thorough trial on probation that institutional treatment is necessary.

#### FINES

*Fines in General.* Fines are almost never imposed on children under fourteen in any class of cases. The fines imposed have been for the most part in three classes of cases, viz.:

Gaming.....	92
Violation of ordinances.....	266
Violation of license regulations.....	265

The number of fines in all other cases being divided as follows, viz.:

Assault and battery . . . . .	35
Larceny . . . . .	8
Violation of probation . . . . .	49

About a quarter of the total number of fines were paid in instalments, and usually these instalments came out of the earnings or spending money of the child.

*Fines for Violation of Licenses.* Fines are appropriate in cases of violation of license regulations, because such violations do not ordinarily arise from any moral weakness which needs the training afforded by probation, and because they occur in the course of and are intimately connected with earning money. It seems fitting to exact money in a case where a child breaks a law in earning it. Even in license cases fines are not commonly resorted to unless the offender has been warned by an official on some previous occasion.

*Fines for Violation of Ordinances.* Most of the cases where fines are imposed for violation of ordinances are cases where a child has been before the court previously for a similar offence or at least has been warned by the officers. These cases, like the license cases, do not ordinarily arise from any moral weakness which needs the training afforded by probation, and yet if they are to be taken into court, the good of the child and the community requires that something should be done (especially the second time) other than just admonishing the child. First offences in these cases are usually dealt with by imposing a school boy penalty like copying eight pages of the city ordinances.

*Fines for Gaming.* Gaming cases differ from other cases in which fines are ordinarily resorted to because gaming is, or may become, a bad habit and probation is established

for the very purpose of preventing or curing such habits by the probation officer's advising and befriending the probationer and interesting him in other activities. The fines for gaming were imposed in two classes of cases:

First—Where the boys had previously been in court for the same offence, and

Second—Where the boys were at the time of gambling on probation or had previously been on probation. (It should be remembered that boys for their first offences in gaming are usually put on probation under an order to save a specified part of their spending money, as more fully described earlier in this statement.)

It may be said that even in these two classes fines are improper and that what should be done is to make the probation department redouble its efforts to get the boys interested in other things. The answer is that when the probation department lacks the time or ability to make further efforts, it is better for the probationer and his associates that he should be fined than that the repetition of his offending should pass unnoticed, and certainly gaming does not warrant commitment to a reform school unless in very aggravated cases.

*Fines not Imposed for Larceny.* There are three reasons why fines are seldom imposed for larceny and kindred offences.

First—If it seems desirable to order the payment of money, there is usually an opportunity to order it as an incident of probation in the form of restitution, a form in which it has a greater educational value than as a fine.

Second—A repetition of stealing is (in its immediate bearing at any rate) more serious to the community than a repetition of gambling, and indicates a greater moral weakness on the part of the boy, so that commitment to a reform school, or at any rate a change of environment, may be properly insisted on. To be sure gambling not



infrequently leads to stealing, but very many boys who gamble would never think of stealing.

Third—Imposing a fine makes a criminal “record” under the Massachusetts law which makes the case available for use against the boy if he is ever a witness in any case thereafter and in other collateral ways, and a “record” for stealing is much more detrimental than a “record” for gambling.

#### PERMANENT ADJUSTMENT THE AIM

So far as possible the cases are handled with a view to securing a permanent adjustment. For example, if truancy is found to be really due to hopelessly bad home conditions, the case is referred to the Massachusetts Society for the Prevention of Cruelty to Children, and the child is complained of as a neglected child so as to be placed in a suitable family as soon as possible instead of being placed in an institution, and so as to be held under proper oversight until twenty-one instead of getting virtual freedom at sixteen. Children committed to truant schools must be discharged from the oversight of the trustees at sixteen; children committed to the State Board of Charity can be held under the oversight of the trustees until twenty-one. Of course if there are found to be children other than the truant in the family, all are cared for together.

#### NEGLECTED CHILDREN

In many cases of neglected children the parents are allowed to take their children home on trial at once, and in many others where the children are taken away at first the parents are allowed to have them back after a separation long enough to arouse the parents to the seriousness of the situation and enable them to rehabilitate themselves. When children are returned to their parents, oversight is continued until some new, permanent, dependable factor

has come into the case, such as one of the children growing sufficiently mature and reliable to be responsible for the family. This practice is persisted in even though it may require keeping the case pending for several years. When children are entrusted to private societies the cases are kept pending with periodical reports to the court until the children become eighteen. The cases of neglected children are often more important than the cases of delinquent children, because attention to one case of neglect may prevent several children from becoming delinquent.

#### PARENTAL RESPONSIBILITY INSISTED ON

The attendance\* of at least one parent at the beginning of each case is insisted on, and parents are frequently called in to be advised or admonished while children are on probation. In some cases parents are caused to move their families to less crowded neighborhoods. In several cases parents have been caused to send their children to friends or relatives in the country during vacation and sometimes for longer periods. In some cases where parents have proved to be ineffective, brothers or more distant relatives have been called in. Parents have been ordered in several cases to pay a certain sum weekly for the support of their children while at the truant school. This court has no power to punish parents for the neglect of their children; it can only take the children. The prosecution of parents must be conducted in the Municipal Court.

#### VOLUNTEERS

In a few instances boys have been placed on probation on the understanding that their relatives, friends, clergymen or club leaders would be responsible for the oversight of them, but there has been no systematic use of volunteers,—meaning by “volunteers” persons not paid for their

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\* Parents must always be *notified* but courts with crowded dockets do not always insist on their attendance.

service by any agency, public or private, and whose chief occupation or interest is something other than social service.

Five years ago volunteers were being extensively used in some courts to take actual charge of children and do regular probation work with one or two cases apiece. There has been a growing dissatisfaction with such use, and some of the best authorities now positively condemn it. It was early pointed out to the Boston court by an interested citizen that it is not the true function of volunteers to do work which would be done by professional social workers if enough of such workers were available. In his opinion the true function of volunteers is such that they should be used extensively, even if the court had all the professional workers it could desire. To his mind the volunteer should bring to the case something different from and additional to what the regular probation officer gives, just as the friend in the sick room is not supposed to do any part of the nurse's work, but brings to the case a distinct and auxiliary element different from anything which even the best nurse could supply.

Some such auxiliary use of volunteers would probably increase the effectiveness of probation, but even such use entails a substantial amount of trained attention to the volunteers and cannot safely be made use of extensively until there is a fuller professional service than there is in the Boston court.

#### MISCELLANEOUS

*Reports from Schools.* In the cases of school children masters and teachers are always consulted before any disposition is decided on. In the cases of children on probation, reports from the school are almost invariably required, and in difficult cases the probation officers have frequent consultations with the master and teacher.

*The Reference Bureau in the Charity Building* is consulted

in every case and any agency found to be interested is promptly conferred with.

*Courts and Reformatories Consulted.* In cases of children found to be on probation from any other court or to be on parole from any truant or reform school, the officials in charge of the child are always consulted as to what action should be taken.

*Girls Cared for Exclusively by Women.* Girls, as soon as brought under the jurisdiction of the court, are dealt with exclusively by women. Every girl sent to an institution is accompanied the entire distance by a woman.

*Ailments Attended to.* Children who are discovered to have any ailment are required to attend the dispensary, if they have no family physician.

*Feeble-Mindedness Watched for.* Children who give any indication of mental deficiency are examined by an expert. One hundred and six have been examined, and twenty-seven have been committed (through the Probate Court) to the schools for the feeble-minded. Many more would have been committed if the schools were not overcrowded.

*Conferences with Probation Officers.* The judge goes over all pending cases with each probation officer every month, and the judge, special justices and probation officers meet together every month for conference on topics of common interest in connection with the administration of the court and the treatment of the cases.

*Night Sessions.* To avoid taking parents or children away from work in special cases where their absence might seriously interfere with their work or result in their losing it, a night session is held every month. This session is usually devoted to the formal ending of the probation of working boys and to admonishment of and conference with parents during the course of their children's probation.

*All the Foregoing Methods* were available prior to the legislation of 1906, and they were availed of to some extent,

but all the officials connected with the former court had many official duties in addition to handling the cases of children, while the justice and the probation officers of the new court have no official duties except the care of the children's cases, and can accordingly use much more extensively the methods above described.

## **PART III**

### **DETENTION PENDING ARRAIGNMENT, HEARING AND DISPOSITION**



### PART III

#### DETENTION PENDING ARRAIGNMENT, HEARING AND DISPOSITION

*In General.* When a child is arrested it is in the majority of cases released to its parents by the police or the probation officer on their promise to bring it to court. In many cases where the child is not released it is put in a private family placed at the disposal of the court by the Children's Aid Society; but a substantial number of boys, the majority of them being sixteen years of age, are left in cells at the police stations. By an arrangement with the Children's Aid Society a woman is in readiness at all hours to go to the station and take care of arrested girls, and they are never left at the stations. Between arraignment and disposition some of the boys and girls are placed by the Children's Aid Society in families in the suburbs of Boston; many Catholic boys are placed in the House of the Angel Guardian; and many boys fifteen years of age or over (the majority of them being sixteen) who seem very unreliable are committed to the Charles Street Jail.

*Police Stations.* Boys left at police stations (girls are never left there) are always kept in cells by themselves as remote as possible from any cell occupied by adult offenders. Boys left at police stations are of two classes, viz.: newly arrested boys who are known to the probation officer as repeated offenders, and boys on probation for whom surrender warrants have been issued because of repeatedly running away from home or persistent and wilful failure to report; 193 boys were held in this way during the five years; 120 of the boys so held were sixteen years of age, an age which in some states is beyond the jurisdiction of the juvenile court. Of the 73 others so held (an average of only 15 a year) 50 were fifteen, 18 were fourteen, 2 were



thirteen and 3 were twelve.\* The conditions in the police stations both as to cleanliness and order are good, though there is much to be desired in some of them in the way of ventilation and arrangement. The boys left at the police stations never stay more than one night unless arrested the night before a Sunday or holiday, as court is held daily and they are never sent back to police stations after being brought to court.

*Private Families for Girls* are entirely satisfactory. The women are not staggered by the girls coming to them unclean or diseased. They do excellent work in making the girls clean and they take proper precautions to prevent contagion. The system gives a better opportunity for observation than a detention home, because the girls are in a normal mode of life and the women gain information which the busy matron of a detention home would not have time to acquire. There have been 111 girls detained in this way. There is only one girl allowed in a family at a time, and this rule has very rarely been broken.

*Private Families for Boys* have been satisfactory for detention for brief periods, and 176 boys have been so detained. But these families have not been very satisfactory so far for more than forty-eight hours' detention. It has not been deemed safe even to make a trial of many boys who were considered unsuitable for jail in such homes as have as yet been provided, and those boys have been kept in the House of the Angel Guardian. Ten of those who have been tried in private families have run away and some of that number have only been found after difficulty and delay. It is by no means certain, however,

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\* Of the two thirteen-year-old boys one was held in the witness room which is an ordinary bedroom in a part of the station remote from the cells, the other was arrested at 3:15 in the morning. Of the three twelve-year-old boys one was held through a misunderstanding, the other two were arrested at three in the morning and held in the witness room above mentioned.

that families cannot be found where there is a man around home all the time or where the women are more alert and resourceful so that the greater part of the boys who are clearly unfit for jail can be cared for in homes.

*House of the Angel Guardian.* The use of this congregate institution for temporary detention is not fair to the boys who are regular inmates, and is not wholly desirable for the boys sent to be temporarily detained. The only justification of the use of it by the court is that for boys of a size suitable to be received there it is more desirable than the jail, and so far as the regular inmates are concerned, they would be subjected to the influence of temporary inmates from other sources, even if the use of it by this court ceased; 128 boys were temporarily detained in this institution in the five years. It should be said, however, that there were a substantial number of these who could have been cared for in a private family but were sent to the House of the Angel Guardian because it was less agreeable to them and therefore constituted a sort of punishment.

*The Suffolk County Jail* is exceptionally good. Usually each boy has a separate cell, and boys are never placed in cells with men. Boys are not allowed to mingle with each other or with the men in any exercising yard, or in any other way (except when two boys are put in the same cell); 182 boys have been detained here during the five years; of these 105 were sixteen years of age, 69 were fifteen and 8 were fourteen.

*Should There Be a Detention Home?* There is certainly no need of establishing one on account of the girls, and there is considerable question whether, if a detention home were established, it would be at all worth while to make provision in it for girls and spend the extra money for construction and maintenance which proper segregation would require. In the case of the boys the answer is by

no means so clear. It appears that during the five years there have been 278 boys, an average of 55 a year, who would surely have been cared for in a house of detention had there been one, viz.: the 73 boys under sixteen left at police stations overnight pending arraignment, the 128 boys kept in the House of the Angel Guardian and the 77 boys under sixteen committed to jail. Some of the 120 sixteen-year-old boys kept in police stations and some of the 105 sixteen-year-old boys committed to jail might have been cared for in an ordinary detention home, but in view of the size and experience of most of them it is a fair question as to whether the proper provision for their care should not be secured by improved facilities at the police stations and the jail (especially in the way of classification at the jail) rather than in a detention home where there might have to be provided for them special accommodations quite different from those for the other inmates.

The one important reason for having a detention home instead of using private families is to enable the court to keep boys from running away without resorting to such clearly objectionable means of temporary detention as police stations, jails, or even private institutions. But detention homes have certain very distinct shortcomings. Every detention home so far devised has periods of being quarantined by cases of contagious diseases. It is impracticable to wholly isolate each comer until the possibility of the outcropping of disease is past, because the briefest period for incubation of any of the diseases is two or three days after exposure (viz.: in scarlet fever) and many diseases take much longer (*e.g.*, whooping-cough seven days, measles nine or ten days, chicken-pox ten days, mumps nineteen days). It is equally impracticable to avoid all moral contagion, and after all some children run away even from detention homes.

The ideal detention home would have a separate com-

plete suite and a separate custodian for each inmate. The expense of carrying out that ideal makes it purely visionary. But the expense of maintaining any approach to the ideal detention home is also very heavy. Even if no provision is made for girls, there must be a superintendent, an assistant and a cook, and they must be kept on full time. That means at the very least \$2,500 per annum for salaries alone, while the total cost of the present system is only \$700 per annum after adding an approximate amount for those detained in police stations or the jail.

In short, there is a question whether the loss to the older boys who are kept at the police stations and jail is great enough to warrant so large an increase in expenditure as the erection and maintenance of a detention home would involve, and whether the private family system cannot be so improved and extended as to care for the boys kept in the House of the Angel Guardian, and indeed for some kept in police stations and jail.

The expense per capita of a detention home would be reduced to some extent by the home being used by all courts in the city, but the reduction would not be sufficient to bring it very near the expense of using private families.

No mention has been made in this discussion of the possible use of a detention home as an auxiliary to probation by separating a child from his home for a brief period and thus rousing him to greater efforts to do well. While there are cases where such treatment seems helpful, it is probably not of sufficient value to justify in any substantial degree the expense of a detention home.

Whatever may be the ultimate conclusion, it is hardly desirable to take any action toward the establishment of a detention home at present. The leading authorities are much dissatisfied with two of the latest detention homes, built less than five years ago at the expense of many thousand dollars, and the supplanting of one of them by a new

structure is being strongly advocated. The use of private families has by no means been developed to its limit. The agent of the Children's Aid Society in charge of that department has been able to devote only a small amount of time to the search for court homes. More time spent might well have resulted in the discovery of stronger homes which could have held many of the boys unsuitable for jail. It would seem that the possibilities in that direction should be thoroughly tried out here (while further experiments are being made with detention homes elsewhere) before any money is locked up in costly buildings and an expensive staff of officials is installed.

*The State Board of Charity* is required by law to take children under fourteen for temporary detention if any court so orders, but delinquent children are seldom sent by the court to the State Board for temporary detention unless it is expected that they will ultimately be committed permanently to its custody, so the facilities afforded by the State Board are not considered in this discussion of temporary detention.

**PART IV**  
**APPEALS**



## PART IV

### APPEALS

The number of appeals in delinquent cases doubled in the five years.\* This increase is a matter of real concern. The number is still very small in proportion to the total volume of business, but the condition which seems to have caused the increase affects many cases where no appeal is actually taken.

The usual reason for a parent's dissatisfaction with the lower court is that it has ordered the child to be committed to a reform school or the State Board of Charity; and the condition which causes the appeal is that in at least six cases out of seven in the higher court the child is not committed. In 1909-10, out of thirty cases where the lower court had ordered commitment or fine, there were only four in which anything more was done in the higher court than to place the children on probation. In 1910-11, out of twenty-three cases where the lower court had ordered commitment or fine, there were only two in which anything more was done in the higher court than to place the children on probation.

The lower court never orders a commitment unless it is satisfied that the child's own home is bad or is unable to control him. The higher court is no better equipped than the lower for determining the facts as to the home, or for controlling the child on probation. It is therefore very probable that at least a substantial portion of the children who appealed really suffered from not being committed.

As has already been stated, what happens in the higher court on appeal affects many children who do not appeal. The way in which children who do not appeal are affected

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\*1906-7, 12; 1907-8, 12; 1908-9, 16; 1909-10, 34; 1910-11, 25.



is as follows: the lower court, realizing how great the chance is that children will go free on appeal, refrains in many instances where parents will not acquiesce from insisting on much needed commitments, and resorts to the order of commitment only where there is no way remaining in which probation can be kept from seeming to the child a mere formality. The condition in the higher court accounts for many instances of children being retained on probation in the lower court after two or more serious lapses.

It may seem, at first thought, that the lower court ought to order commitments whenever it considers them desirable, regardless of what will be done in the Superior Court. But that would really be unfair to the children, their parents, and the officials of the Superior Court; unfair to the children, because those whose cases are filed or not pressed (in the exigencies hereinafter explained) will go without any oversight or control whatever; unfair to the parents (who are usually sincere in their belief that they are doing what is best) because it puts them to expense and trouble without the lower court getting any nearer what it considers best for the children; unfair to the officials of the Superior Court, because it aggravates the serious congestion of their calendar without much possibility of their being able to do any good in the added cases.

The reasons for the way in which these juvenile appeals are disposed of are as follows:

First—There are always many more cases before the Superior Court than can possibly be actually tried. The district attorney must dispose of a majority of the cases without trial. In juvenile cases the amount of damage to anyone but the child himself has been trifling, and the damage which he is likely to do to others in the near future if allowed to go at large is also trifling. The public are still far from being awake to the fact that in the long run the loss to the community from failure to remove a child

promptly from unsuitable environment will really exceed that which will accrue from failure to punish an adult who has committed a grave offence. District attorneys are intended by our form of government to express public opinion. They accordingly put the juvenile cases among the first to be disposed of without trial, either by not pressing them or by agreeing to recommend probation in return for submission to an adjudication of delinquency.

Second—Even if the docket of the Superior Court were not so overcrowded, there would still be difficulty in handling the juvenile cases efficiently. Jurymen cannot be expected to understand that the main object of proceedings against a child is to secure him proper bringing up, and thus in the end best serve the community. The jurymen feel that the main object of a trial in children's cases is what most laymen consider it to be in adult cases, namely, punishment. They shrink from being party to the punishment of a child, especially by the ponderous machinery which they mostly associate with the handling of burglars and embezzlers, and they acquit, no matter how clear the evidence may be of acts of delinquency which are the signal for the interference by the public in behalf of the child. Furthermore, partly from this shrinking from seeing the ponderous machinery of the criminal law put in motion against a child and to some extent from a feeling that the district attorney should not bother men with such trifles as children's cases when there are real criminals to be attended to, juries get biased against the district attorney from his submitting children's cases to them, and he finds that he not only fails to hold the children but his influence with the jury in other cases is impaired.

It might be possible to remedy this difficulty by a law (similar to that now in force for the Land Court) requiring parents who wish a jury trial for their children to claim it before the lower court goes into the facts at all, and provid-

ing that when a jury trial is claimed the case shall go on the speedy list in the civil sessions of the higher court, and be tried immediately after the conclusion of any case then on trial, taking precedence of all other cases, and if the verdict is against the child that the case shall be remanded to the lower court for disposition.

The provision for taking precedence on the list and remanding for disposition might well be applied to the cases of neglected children which already go to the civil sessions on appeal. Under the present procedure in neglect cases appeals in them are as undesirable as in the delinquent cases, because at best they are six months in being reached for trial and often much longer, and when tried the court is at a loss as to how to dispose of them because it has too little of such business to give its officials the necessary experience. The delay is very serious in some cases, as for example where a little daughter of a dissolute mother, who was enabled to procure bail, had to be left exposed in that vicious custody for two years.

**PART V**  
**RELATIONS WITH OTHER AGENCIES**



## PART V

### RELATIONS WITH OTHER AGENCIES

*Coöperation of the School Department.* The superintendent of schools early took pains to introduce the judge to the masters and throughout the existence of the court the superintendent, assistant superintendents, masters, teachers and truant officers have complied with all requests for information, given due consideration to all suggestions, and in general shown great forbearance with new officials whose lack of experience and new views must in some instances have added substantially to the burden of teachers who were already heavily taxed.

*Coöperation of Police Department.* The police commissioner and the superintendent have been conferred with from time to time on matters of general policy and have coöperated heartily with the court. The patrolmen also have endeavored to do all they could to carry out the ideas of the new law despite some rather tedious waits caused by the increased deliberation with which the juvenile business is now conducted, and despite a natural doubt as to the wisdom and practicability of certain new methods. The patrolman's position in juvenile cases is a very difficult one. It is frequently much harder to discover and apprehend a child than a full grown criminal. Despite the frequent complaints by the public of the lawlessness of children in general the public are very apt to look askance at the arrest of a particular child when it is being made, even if they do not actually upbraid the officer; and even if the public said nothing, a full grown man must always feel a little ignominious in arresting a small boy. After an officer has been put to great trouble, and perhaps suffered some very unjust abuse, in the arrest

of a boy who has been a source of continuous annoyance to the neighborhood, it is only natural that he should have a tendency to feel that he has gone through it all for nothing if the boy is allowed to go on probation. But the officers on the whole are looking for the greatest good of the children and are more than fair to them; and there have been several cases where officers after arresting boys have helped them to get work, to say nothing of the cases where they have repeatedly warned and reasoned with parents and children to avert the impending outbreak which would necessitate arrest.

*Assistance of Private Societies.* The Boston Children's Aid Society, in addition to furnishing homes for temporary detention and long term placement as previously mentioned, furnishes women agents who perform all the duties of probation officers in the cases of Protestant girls. The Council of Jewish Women gives the court the full time of a women agent who has served for all practical purposes as a third probation officer and cared for a very substantial portion of the cases of delinquency coming before the court, thus allowing the two official probation officers to give more nearly the proper amount of attention to each case of theirs than would otherwise be possible, and affording Jewish parents who cannot speak English the great benefit of intelligent and sympathetic interpretation. The St. Vincent de Paul Society gives the court the full time of a woman agent to care for Catholic girls, who is for all practical purposes a probation officer in those cases. The Italian Immigrant Society gives the court the services of its woman agent for the cases of Italian girls and for especially difficult family problems. The Massachusetts Society for the Prevention of Cruelty to Children takes complete charge of the prosecution of cases of neglected children and the Home for Destitute Catholic Children cares for a large proportion

of the neglected children after they have been brought to court. The South End House and the North Bennet Street Industrial School provide accommodations in their buildings for the weekly evening meetings of the probation officers with their probationers from their respective districts. More than a score of other societies and agencies have responded cordially and assisted very materially in individual cases.

*Assistance of Physicians.* Dr. Edward B. Lane has devoted a large amount of time and skill to the examination of children to determine their mental condition and Dr. Mary F. Hobart has given liberally of her time and skill in the cases of girls. Many other physicians have freely given very substantial assistance in individual cases.

*The Press Have Been Considerate.* The reporters and all other members of the press have been most considerate and have almost without exception observed the spirit of the law by refraining from any endeavor to secure or publish any account of the children's cases.





## **PART VI**

### **EXPENSE AND BENEFITS OF THE COURT**



## PART VI

### EXPENSE AND BENEFITS OF THE COURT

#### EXPENSE OF CONDUCTING THE PRESENT COURT

The expense of conducting the present court is \$11,800 a year. The items are as follows, viz.:

##### Salaries:

Justice.....	\$3,000.00
Special Justices (30 days at \$9.84 per day).....	295.20
Clerk.....	1,500.00
Clerk pro tempore (30 days at \$4.92 per day).....	147.60
Two Probation Officers at \$1,800 per annum.....	3,600.00
Probation Officers pro tempore (60 days at \$5.90 per day)....	354.00
Stenographer.....	830.00
Substitute stenographer (12 days at \$2.50 per day).....	30.00

##### Probation Officers' Expense:

Board and Lodging of Children.....	\$541.77
Expense incident to Commitments.....	210.99
Car fares, telephone calls, etc.....	92.00

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Printing, Stationery and Office Supplies.....		679.95
Witness Fees.....		149.50
Interpreters' Fees.....		204.00
Telephone Service.....		153.32
		<hr/>
		\$11,788.33

#### EXPENSE OF CONDUCTING JUVENILE BUSINESS IN THE FORMER COURT

There is no way to determine accurately the expense to the municipality of conducting the juvenile business of the district previous to the establishment of this court, but it probably did not exceed \$2,800.

The details of this estimate are as follows, viz.:

Share of Justice's time*	
(1 hour per day, 300 days per annum).....	\$750.00
Share of Clerk's time	
(2 hours per day, 300 days per annum).....	650.00
Share of Court Officers	
(2 hours per day, 300 days per annum).....	450.00
Expense incident to commitments.....	200.00
Printing, Stationery and Office Supplies.....	500.00
Witness Fees.....	150.00
Interpreters' Fees.....	100.00
	<hr/>
	\$2,800.00

It is to be noticed that the expense to the municipality by no means represents the whole expense of doing the work of the court, because a substantial part of the work is done by agents paid by private societies. Before the establishment of the new court substantially all the probation work was done by the agent of the State Board of Charity and the agents of private societies.

#### BENEFITS FROM THE NEW COURT

*Benefits Shown by Statistics.* Authorities on juvenile court matters agree that statistics as to increases or decreases in the number of offences are of minor significance in determining the benefits derived from juvenile courts; but there is a natural tendency on the part of the public to attach some weight to such statistics; and therefore attention is called to the fact that the end of the five year period shows *no increase* over the beginning *in the number of complaints* against juveniles for the standard offences

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\* It cannot be said that the time set free by relieving this official of the juvenile business is lost to the city, because there was always in the former court a substantial amount of extra judicial assistance paid for by the day which could be dispensed with to the extent to which the court was relieved by the transfer of the juvenile business. So far as the clerk and court officer are concerned, the business of that court has increased so that there have been additions to its staff since the establishment of the juvenile court.

(i.e., the offences most uniformly prosecuted, such as larceny and the like) in spite of the increased population, the increased congestion and the increased readiness to bring juvenile offenders into court which attends the establishment of a tribunal especially equipped to deal with them. The new court has played a substantial part (even though a minor one compared with that of the school department) in the *reduction of complaints for truancy* from 118 in the former court to 19, and of the number ordered committed for truancy from 99 to 8, and this without any increase in orders for commitment for other causes. The *number of commitments to jail* in the last year of the former court was 64; the largest number in any year of the new court was 46, a reduction of over 20%; and in the last year of the five year period there were only 32 commitments to jail. The number of *finest imposed* the last year of the former court was 480; the largest number in any year of the new court was 218. There are doubtless some citizens who will consider the reduction in commitments to jail and in the number of fines a detriment rather than a benefit to the community, but the end of the five year period shows no increase over the beginning in the number of complaints entered; there is therefore no statistical indication of increased lawlessness in the limited district served by the new court; and if the citizens in question could understand that the abstention from fining meant—not remission of all attention to the offender—but on the contrary greatly increased attention and control in the form of probationary oversight, some of them might take a different view of the situation.

*Benefits in Care of Children Arrested.* There is a probation officer of the new court constantly\* on call day and

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\* Between noon and ten P. M. there is sometimes a delay of an hour or two in the probation officers' reaching the station because he has to be away from the telephone at times during that part of the day making investigations.

night to visit any newly arrested child at the police station and determine whether (if the police themselves will not take the responsibility of releasing) the child may not properly be released to its parents until the court sits next day or at any rate cared for in a private family under the authority of the court. This saves many children from the undesirable experience of a night in a police station or the city prison.

*Benefits in the Handling of Girls.* Under the new court girls (with half a dozen exceptions) have not been kept even over night in a police station, jail or city prison. Under the former court there was no regular provision for any girls between arrest and arraignment, and after arraignment there was none for the temporary detention of girls over fourteen. Under the new court girls committed to institutions are invariably accompanied by women. There was no provision for this under the former court.

*Benefits in Neglect Cases.* The most important single benefit from the new court is the more careful study and longer oversight which (owing to the increased time at the disposal of the judge) is given to the cases of neglected children. The importance of these cases cannot be overestimated; the handling of each of them directly affects (in most instances) the lives of several children, while the handling of a delinquent case ordinarily directly affects the life of only one. The careful study of the cases prevents ill considered separations of children from their parents, ill considered dispositions of children when separated from their parents, and ill considered returns to their parents. The longer oversight prevents (or saves serious harm to children from) breakdowns which occur in many cases even after several months of good behavior.

Under the previous system neglect cases were usually dismissed after a few months' supervision and no new action was taken until the home conditions became as bad

again as when the children were first brought to the attention of the court. Now no case is dismissed unless the children are committed to the custody of the State Board of Charity or some other public authority, or (if left at home) until some new element has come into the situation which ensures adequate permanent provision for the children, or (if placed with private societies or in private families) until the children have passed the age limit of the jurisdiction of the court.

There is a constantly increasing saving of actual direct expense to the public treasury by the present conduct of these cases, to say nothing of the social gain. It should be stated that the extra time given by the court would avail but little without the very greatly increased and improved service furnished by the Massachusetts Society for the Prevention of Cruelty to Children.

*Benefits in Other Cases.* The effects of the devotion of more time to the work of the court is not quite so marked in other cases as in those of neglected children, but the citation of a few instances will indicate that substantial benefits must result. When boys who have been gambling are made to save money for months instead of being dismissed at once with a warning or a small fine, when boys who have been stealing are made to pay full restitution out of their own earnings in instalments through a year or more instead of being fined or placed on probation with little oversight and no requirement of restitution, when boys who have been throwing stones or jumping on cars are made to write the ordinances of the city instead of being sent home after a slight reprimand or a small money payment by their parents, when boys coming to court for any cause who are found to be loafing are looked after until well established at work,—there is great benefit in thrift, honesty, lawfulness, and industry to the boys themselves and through them to the community. When children who



have repeatedly offended are studied by probation officers, submitted to experts, and provided for with due reference to their mentality, instead of being sent indiscriminately to reform schools to be released and returned over and over, there is large benefit to the community in the saving of loss from repeated depredations and of expense of repeated arrests and commitments, of expense of hospital treatment for infectious diseases, and of expense of supporting mentally and physically deficient offspring.

*Benefits from Restricted Attendance in Hearing-Room.* While the restriction of those in attendance at each hearing of each case to the persons immediately concerned in it and to visitors who have a real reason for being present has no relation whatever to the cost of maintaining the court and is not due to the new officers (being required by the statute establishing the court) it ought to be mentioned in reciting the benefits of the new court. The restricted hearing has been warmly commended by every humanitarian who has observed its operation; and while it may be questioned by some conservative jurists as being an unwise departure from long established customs of publicity in court matters, it affords the most natural and efficacious setting for bringing out the facts of children's delinquency and the cause of it, and for determining the treatment for it; it gives protection to children and blameless parents from being pilloried before the public, and permits to a great extent the adaptation of the procedure to the needs of each case—benefits which no judge, even the most conservative, would be likely to relinquish without serious misgiving, after he had once experienced them.

**PART VII**  
**RECOMMENDATIONS**



## PART VII

### RECOMMENDATIONS

*Clinic for the Intensive Study of Baffling Cases.* A clinic for the intensive study of baffling cases which fail to respond to ordinary probationary treatment would enhance the efficiency of the court more than any other accessory. Juvenile courts and all other agencies are dealing with children without sufficient knowledge of what is really the matter; and great amounts of money, time, and nervous strength are being spent on children in ways which the few leading investigators could have told at the outset would have been utterly unavailing. This refers not only to cases of deficient mentality and epilepsy, but also to cases of improvable mental and physical conditions. The expense of such a clinic seems large (the Chicago clinic costs \$8,000 a year) but it will really result in a great saving to the community. Anything short of a fully equipped clinic will be nothing but a source of disappointment. The man in charge should be a physician with great common sense, a faculty for winning the confidence of children, and a good knowledge of psychology. He should give his whole time to the work, and should not be assigned so much work as to prevent his giving all the time he desires to each case.

In any event, the authority of the courts to incur the expense of expert mental examination should be definitely established. In this county no bills for expert service will be honored unless the expert testifies in court as a witness. In most children's cases it is entirely unnecessary to have the expert come to court and give formal testimony. That only makes it difficult to get the best man to serve, and greatly increases the payment to those who do serve.

Most of the leading physicians agree that it is out of the question to deal properly with these cases in the ordinary hospital clinic, so this court has been forced to have recourse to a combination of the public spirit of an expert and small money payments from private funds for most of its mental examinations.

*More Probation Officers and Office Stenographers.* The present probation officers are already worked to the limit of their capacity.\* There are many children (as indicated by the substantial number who come to court more than once) that need much more time spent on them, to say nothing of the need of more time to secure proper probation records.†

The leading authorities state that a probation officer

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\* Carefully kept daily figures show that the probation officers and the agent of the Council of Jewish Women work an average of  $8\frac{1}{2}$  hours per day, including Saturdays. The time taken out for meals and personal matters is rigidly excluded from this computation. Owing to the fact that much of this work from its nature must be done evenings, the  $8\frac{1}{2}$  hours on many days has to be distributed over a period of from 10 to 12 hours. The judge, who was expected by the framers of the law establishing the court to devote only the forenoon to his official duties, devotes all the rest of the day to supplementing the probation service by acting as a sort of chief probation officer, thus giving in all over 8 hours per day to the work of the court.

† The records of the probation department contain valuable information about individual children, but they are of little value for statistics. The chief reason why they are of little value for statistics is that they are not uniformly filled out. For example, if one wishes to compile data about the material condition of the families, he will find one record with the number of rooms duly entered but the income of the family lacking, and the next record may state the income but lack the number of rooms.

The cause of this condition is, for the most part, the lack of a sufficient number of probation officers. This means that something must be omitted. In cases where the probation officers have made out partial records at the beginning of the case with the expectation of completing them later, pressure of work has resulted in indefinite postponement—if the probation officer has to choose between completing some records and taking a child to the dispensary, he chooses the more immediately vital act.

The same pressure of business has led to the deliberate abstention from any

should not have more than 75 cases in hand at a time. The probation officers of this court, including the agent of the Council of Jewish Women, each have 125 cases. There should therefore be at least two more probation officers. Furthermore, it would be only fair if the Council of Jewish Women were relieved of the burden of furnishing what is for all practical purposes a third probation officer, and the Children's Aid Society and the St. Vincent de Paul Society were relieved of doing the probation work with girls which takes the equivalent of the full time of one woman. Therefore in fairness there really should be four more probation officers instead of two more. There should be at least one additional stenographer in order to relieve the probation officers of much of the answering of inquiries, to facilitate the keeping of records, and make possible the keeping of statistics. All such work as the preparation of this review has now to be done at private expense.

If there is not to be any increase in the number of probation officers, the court should certainly be authorized to pay the car fares, telephone calls and any similar expenses incurred by the agents of the private societies in their work on court cases. Furthermore authority ought to be given deputy probation officers to serve mitimuses to reform schools. The court has always insisted that girls' cases shall be handled by women to the very end of the

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attempt to make out records in many cases of violation of license regulations or of city ordinances.

In girls' cases records are very apt to be lacking, because the cases are handled by the paid agents of private societies. Those agents are not in regular attendance at the court; they make full records for their own files which are always open to the court. All the staff of these societies are sorely pressed for time and it seems hardly fair to ask them to make duplicate records for the court. The same is true of the neglect cases, which are handled by the agents of the Massachusetts Society for the Prevention of Cruelty to Children. There is no law requiring the probation officers to investigate neglect cases or keep any records of them, but it is just as desirable to have records in court of that class of cases as of the delinquent cases.

court's connection with them. In pursuance of this policy the women agents of the private societies have taken to Lancaster all girls who have been ordered to be committed there, and the regular probation officers have made the formal return of service. No girl has ever tried to escape in transit, but there is some question as to whether the agents of the private societies, thus acting for the probation officer, have the technical authority to retake a child who leaves them, and it would certainly be most wasteful of time and money to have the regular probation officers accompany the agents on these four-hour trips.

*Make Parents Contribute to Support of Children Committed.*

In many cases of commitment to reform schools and the State Board of Charity, the parents have not neglected the children in any such gross way as to justify criminal proceedings under the so-called "neglect law," and yet they might fairly have been expected to do more than they did, and in any event they ought not to be relieved of the burden of supporting the child for whose existence they are responsible. There is at present no provision for compelling a parent to pay anything in these cases, unless there is such gross neglect as to warrant criminal proceedings. It seems most desirable that a law should be enacted authorizing any court in committing a child to order the parents to pay something toward the support of the child; the amount of the payments to be determined by the judge according to the circumstances of each case, and to be changed from time to time if changed circumstances require it. Unless the parents were fairly well to do, the court would of course refrain from ordering payment of the full cost of keeping the child by the public and would limit the payments to the amount of the expense of which the parent would be relieved by the commitment of the child if no order for payment were made. Such laws are already

in successful operation in other states. There is such a law here for the cases of truants but it is useless because there is no provision for enforcing compliance with orders made under it.

*Payment by Probationers of Expense of Probation.* It seems desirable that courts should be authorized to require (in such cases as they choose) probationers, or their parents, to pay something toward the expense of maintaining the probation service.\* The amount to be paid in any case should be left to the discretion of the court, subject to a maximum limit. The court should also have discretion as to the rate of payment. This authority seems desirable for the following reasons:

First—there are some cases where probation is clearly the best treatment, but falls short of its greatest efficacy because the parents or the children, or both, fail to comprehend the real nature of probation, and seem unable to realize the seriousness of the situation without some more obvious and concrete indication of it than the regular administration of probation affords. The need of such authority is especially felt where a child breaks down during or after a period of probation, and it is still thought best to refrain from commitment.†

Second—the need is not met by the power to fine. The

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\* The practice already resorted to in a few cases of requiring probationers to pay the "costs" or expenses of the case is not adequate for the purpose underlying this recommendation. Many judges do not consider it legal to exact an arbitrary sum under the name of "costs" and believe that nothing can properly be exacted beyond the amount actually expended in the preparation and trial of the case. In the lower courts the amount actually expended is too small to be of any service.

† The power now existing to impose a fine not exceeding five dollars for violations of probation does not meet the need even of the cases which arise during probation (being in nature and amount designed for minor violations like failure to report) and it is of course unavailable for first offences and offences occurring after the close of probation.



moment a fine is paid the child by law *must* be discharged, unless it happens that he is already on probation in an other case, and even then a fine is undesirable because it establishes a criminal record against the child. Furthermore the payment will have a much greater educational value in the form of a payment toward the expense of probation than in the form of a fine, because it makes a natural opening for an explanation by the court to the probationer to the effect that care of a child by a probation officer costs the city a great deal of money, and when a child behaves so that it is necessary to put him on probation, he (or his parent as the case may be) ought to pay as much of the expense as possible.

Some excellent authorities on juvenile delinquency object that this recommendation is punitive in character and savors of the criminal law, and they maintain that no desire for it would be felt in a court with an adequate number of thoroughly competent probation officers, for such officers would educate both child and parents by more intelligent means without resort to any such crude process. In answer to this it may be said that most persons will agree that requiring restitution is an entirely wholesome practice and it would seem that the practice here recommended is so similar to ordinary restitution that it might be described as making restitution to the State.

*All License Violations by School Boys To Be Dealt with by School Authorities.* The school department issues all licenses for street vending by boys under fourteen, through its supervisor of licensed minors does a substantial part of the supervision of its licensees, and through its trial board deals with all violations which that supervisor wishes to have acted on. One supervisor, however, is not enough to do all the work, and the police department details an officer for the same purpose and also to supervise the minors fourteen and over. If the school department could

have another supervisor, it would probably be unnecessary to have the police department take cognizance ordinarily of violations by school committee licensees, with the consequence that those cases would be eliminated from the juvenile court except in the few instances where it might be desirable to impose a fine.

The ponderous formality of a sworn complaint followed by the issuance of two summonses to be served by an officer seems almost absurd when gone through with because a boy has forgotten his badge or sold after eight o'clock, and yet persons should not ordinarily be brought before a *court* in any other way. When it comes to disposition of the cases the school authorities are the only ones who can legally impose the penalty which is in the greater part of the cases the most appropriate, viz.: suspension or revocation of the license. The handling of these cases by the school authorities would set free for more serious cases time sorely needed by all court officials from the judge down, though it would not be enough to warrant dispensing with any of the increase of probation service above recommended.

*Employment for Probationers.* It is important to cause probationers to secure employment through the ordinary channels as far as possible and most probationers secure work in that way, but there is a substantial residuum who for one reason or another cannot or do not secure employment, and can only be started on the road to industry by being deliberately planted in a job and encouraged to stay in it by an employer or foreman who is willing to put himself out to do a little social service. Somebody should make a business of seeking out and keeping a full list of public spirited men who can be induced to keep one or two such boys on hand all the time. This could be done by a probation officer especially detailed to that service if the staff were large enough, but it is probably best that

it should be done by the placement department of some social service agency through a trained social worker especially assigned to the service.

*Better Provision for Appeals.* A recommendation in regard to appeals is made in connection with the comment on appeals earlier in this review.

*Better Quarters for Probation Officers.* The present quarters of the court afford no opportunity for really intimate conference between the probation officers and their children. Their desks are in the open waiting room and there is not even a private room to which they can retire in special cases. This deficiency was called to the attention of the authorities when the court house was enlarged; but they could not see their way to approving the expense involved in remedying it. Better facilities must be provided before the probation officers can do their best work.

## **PART VIII**

### **GENERAL COMMENT ON THE NEW LAW, PROBATION AND THE ALLEGED INCREASE IN JUVENILE DELINQUENCY**



## PART VIII

### GENERAL COMMENT

*New Law Has Not Curtailed the Power to Arrest Juveniles and Commit Them to Reform Schools.* It has been frequently stated since the passage of chapter 413 of the Acts of 1906 (commonly known as the "Delinquent Law") that nothing can be done to juvenile offenders except place them on probation. This statement is wholly incorrect. Children can be arrested by police officials just as freely as ever, and the courts can commit them as freely as ever to the Massachusetts Reformatory, the Industrial School for Boys at Shirley, the Lyman School for Boys at Westboro, the Suffolk School for Boys at Rainsford Island, the Industrial School for Girls at Lancaster, and the State Board of Charity, which takes younger children of both sexes. Children under fourteen can no longer be committed to a jail or house of correction under any conditions, but with the above named institutions freely available, the sternest citizen cannot complain that there is any lack of opportunity for "punishment" by commitment.

*Fines May Still Be Imposed.* Moreover children may still be fined, but the law does aim to discourage fining children under fourteen, and has interposed certain preliminary formalities which make fining such children less convenient than it used to be.

*New Law Increases Power of Courts.* Indeed, instead of taking away power from the courts in the cases of juvenile offenders, the new law has increased those powers. It provides that any child between seven and seventeen "who habitually associates with vicious or immoral persons, or who is growing up in circumstances exposing him, or her, to lead an immoral, vicious, or criminal life" may be com-

plained of as a "wayward" child and placed on probation or committed to the State Board of Charity. This enables the court in any case where the evidence falls short of what is required by law to prove the commission of any specific offence, but shows the child has been keeping bad company or late hours, or is bunking out, to hold the child under oversight by having a complaint made against him as a wayward child. There is a striking instance of the usefulness of this form of complaint in the experience of the court. A large boy who was believed, with very good reason, to be connected with many thefts made good his boast that the police could never make legal proof of his connection with any wrong doing; but the evidence showed that he was well acquainted with thieves, lived apart from his parents and was out at all hours of the night. The court had him complained of as a wayward child, put him on probation and thus caused him to lead a regular and industrious life until he became too old to be held in the juvenile court.

*Advantages of Probation.* In this connection attention should be called to certain features of probation which are apparently unknown to the general public. After a fine is paid the court loses all control of the culprit, no matter how unsatisfactory his conduct may be, until a new charge can be proved against him. If the boy is put on probation, it is not necessary to be able to prove the commission of a new offence against him in order to commit him, and if his general conduct is unsatisfactory, he can be surrendered at any time and committed. This gives the court a hold on the boy all the time he is on probation, which may be for months or years. Some police officers fully realize the advantage of probation in this respect and prefer probation to fines, saying that if they find a boy staying out late, keeping bad company, or acting suspiciously in any way, they can take him aside, remind him that he is on probation,

and tell him that they must report him to the court unless he changes his habits. Moreover, probation with careful oversight such as can be given by the new court with its officers is very different from a mere permission for the boy to go free so long as he does not misbehave. Weekly reports for workers, Saturday morning reports for school boys, daily reports for loafers, are distinctly burdensome, as is shown in the case of one young man who told his mother that he wished the court would fine him and have done with it, so he would not be bothered with having to report at court. Indeed, it has its effect on parents who frequently say, "Well, when is he going to get through with this coming to court!" and in one instance have said in open court, "I would rather pay a fine and get through with it and not be bothered with his coming down here all the time."

*Deterrent Effect of Commitment Overestimated.* The experience of the last five years tends strongly to make one believe that the deterrent effect of commitment is greatly overestimated. More than half a dozen instances where boys brought to court for stealing had older brothers serving sentences at that moment for the same offence go far to offset the force of the instances where it is alleged that the fining or commitment of a boy or two has been followed by the entire cessation for a long time of all disorder in a previously disorderly neighborhood. One of the greatest factors in the commonly assumed potency of the deterrent effect of commitment is shame. This factor is slight in the congested districts from which most of the court cases come. Arrests of children and men are of common occurrence there. While the great majority of boys, even of congested districts, are wholly law abiding and hold aloof from lawlessness, law breaking is a common topic among a substantial number of boys, and in the minds of that number there is no such thing as shame attending commitment;



most of them know boys who have returned from a reform school to as good a position among their companions as that previously held, or perhaps to a better position.

*Increase in Violations of Law by Juveniles in Suburban Districts\* Would Be in no Wise Alarming* for the following reasons:

I. The number of children to the acre has greatly increased. One has only to look at the way every available foot is covered with dwellings to realize this, without going out of the way to see the immense new school-houses.

II. The amount of time each child is in the street or away from home where is he likely to clash with the established social order is greatly increased in two ways.

1. There is no place in the modern apartment for a waking child, and no yard outside it, so more of the free time of many children *must* be spent in the street or at any rate away from home.

2. There are no chores to be done in apartments, so there is much more free time to spend.

There is good reason to believe that the increase in violations of law by children in the suburbs (so far as there is any increase) is due to the increased number of children and the increased amount of time they inevitably spend away from home rather than to any deterioration in the children's moral fibre, or even any decrease in the interest or vigilance of their parents. While parents might take better care of their children than they do to-day, it is very doubtful if they are taking less care than they used to, and

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\* The Boston Juvenile Court has no jurisdiction over offences committed in any parts of the city other than the North, West and South Ends, and the Back Bay. Juveniles who offend in Dorchester, Roxbury, West Roxbury, Brighton, Charlestown, East Boston and South Boston are dealt with by the ordinary courts of those districts.

the demand for playgrounds and publicly supervised play is as natural and inevitable a result of modern city housing as the demand for public water supply.

*Juvenile Courts only Remedial Institutions.* It should be borne in mind that the juvenile court at best bears only the same relation to delinquency that the consumptives' hospital bears to tuberculosis. In combating tuberculosis the most important agencies are those organized for its prevention. In combating delinquency there are many agencies much nearer the seat of the difficulty than the juvenile court. The court gets a child only after something has gone wrong. The church, the school, the settlement, all can do much to prevent anything going wrong at all. All agencies which make for better family life through better training of parents, better housing, better regulation of the liquor traffic, better conditions of work, all agencies which make for more suitable education and better facilities for play—all these are nearer to the heart of the difficulty than the court. The court can do comparatively little to avert first offences. When the other agencies reach the highest degree of efficiency, then we may look for a reduction in the number of offences.



## APPENDIX

### RESULTS OF SAVING IN CASES OF PROBATION FOR GAMBLING

In the spring of 1913 Miss Marion Bennett, graduate student in probation of the School for Social Workers, made an investigation to find what happened after the end of probation in the cases of 83 boys who had saved money as a condition of probation for gambling. These boys had all been under the same probation officer and they were all the boys he had, prior to 1912, on probation for gambling with the requirement of saving money. Their probation had ended all the way from five years to one year before the date of the investigation. All the boys who could be located were interviewed and a sufficient number of statements verified by inquiry at the savings banks to prove the general reliability of the answers.

The results of this investigation are as follows:

Number of boys found.....	67
Number who had saved at some time subsequent to their probation...	33
Number who were saving at date of investigation.....	22
Number who had used their savings for necessities.....	48
Number who has used their savings for pleasure.....	9



**STATISTICS**  
**FOR PURPOSES OF COMPARISON**  
**OF THE SECOND FIVE YEARS**  
**OF THE**  
**BOSTON JUVENILE COURT**



STATISTICS  
FOR PURPOSES OF COMPARISON  
OF THE  
SECOND FIVE YEARS OF THE BOSTON JUVENILE COURT  
SEPTEMBER 1, 1911-AUGUST 31, 1916  
NUMBER OF CHILDREN BROUGHT TO COURT

The Boston Juvenile Court completed its second five years on Aug. 31, 1916. During those five years 4,486 different children were brought before the court, 3,651 were boys and 835 were girls. Of these children 3,829 were delinquent or wayward and 667 neglected. Of the delinquent and wayward children, 3,332 were boys and 487 were girls.

The figures for the different years were as follows:\*

	<i>1911-12</i>	<i>1912-13</i>	<i>1913-14</i>	<i>1914-15</i>	<i>1915-16</i>	<i>Total</i>
Delinquent Boys....	859	874	906	627	599	3,865
Delinquent Girls....	79	111	111	62	103	466
Total Delinquent Children.....	938	985	1,017	689	702	4,331
Neglected Children.	156	179	124	133	80	672

\* Adding the figures given in this table will give a total exceeding the real total of children brought before the court in the five years, because there are a number of instances of the same child being brought before the court in more than one year. Wayward children are included in this table.



## CAUSES FOR WHICH THE CHILDREN WERE BROUGHT TO COURT

	1911-12	1912-13	1913-14	1914-15	1915-16	Total
Assault and Battery (including 1 case of Manslaughter)...	54	98	76	72	43	343
Robbery, Breaking and Entering, Lar- ceny, Receiving Stolen Property, Using Vehicles without Permis- sion, Forgery, and False pretenses...	464	515	553	480	421	2,433
Fornication, Idle and Disorderly, Lewd Wanton and Las- civious, Rape (1 case) Unnatural Acts, Exposure of Person, Obscene Pictures.....	25	26	31	16	19	117
Stubborn Children and Runaways...	51	38	43	49	50	231
Gambling.....	81	77	46	55	59	318
Drunkenness.....	8	3	6	2	3	22
Miscellaneous Statu- tory Misdemean- ors (including Breaking Glass and other forms of Trespass, Loiter- ing at R. R. Sta- tions, Begging, Disturbing the Peace, etc.).....	69	99	118	99	62	447
Violation of City Ordinances, such as playing Ball in the street, Steal- ing Rides on cars, etc.....	116	134	200	100	67	617
Violation of License Regulations.....	99	12		20		131 <sup>1</sup>
Truancy.....	11	13	27	8	5	64 <sup>2</sup>
Waywardness.....	33	52	23	34	29	171
Violation of Proba- tion.....	1	12	3	4	8	28
Arson.....	1					1
	1,013 <sup>3</sup>	1,079 <sup>3</sup>	1,126 <sup>3</sup>	939 <sup>3</sup>	766 <sup>3</sup>	4,923 <sup>3</sup>
Neglect.....	156	179	123	137	75	670

<sup>1</sup> The great decrease in the number of complaints for violation of license regulations (there were 866 during the first five years period) was caused by the operation of the Boston Newsboys' Trial Board, established by the School

## CAUSES FOR WHICH GIRLS WERE BROUGHT TO COURT

	1911-12	1912-13	1913-14	1914-15	1915-16	Total
Assault and Battery	1	8	3	3		15
Larceny, etc.....	23	24	61	45	61	214
Runaways, Immoral, etc.....	56	78	52	51	46	283
Drunkenness.....	1		1	1		3
Truancy.....	1		7			8
Violation Ordinances, etc.....		2		2	1	5
	<hr/> 84 <sup>4</sup>	<hr/> 112 <sup>4</sup>	<hr/> 124 <sup>4</sup>	<hr/> 102 <sup>4</sup>	<hr/> 108 <sup>4</sup>	<hr/> 584
Neglect.....	77	80	68	74	38	337

Committee on October 1, 1910, for the express purpose of dealing with violations of license regulations by school children. The number of complaints recorded before the Newsboys' Trial Board during the five year period under consideration is as follows:

1911-12	1912-13	1913-14	1914-15	1915-16	Total
275	464	445	539	389	2,112

<sup>3</sup> A decrease from 267 for the first five year period. Judge Baker's Comments under this heading in his report for the first five years indicate the cause for what practically amounts to the elimination of truancy from the court docket. Had another written the paragraph on truancy he would surely have given Judge Baker himself much of the credit for the changed attitude toward the handling of truancy as an offense among children. It was perfectly patent to the disinterested observer that the new method inaugurated by Judge Baker for the handling of truants on probation was what aroused the School Department to greater activity in the way of suppressing truancy. The school teachers would probably be the first to sanction this statement. The practice before the Juvenile Court was established was to consider that when a child was brought to court he had had his probationary period and therefore was ripe for commitment. This is clearly indicated by the fact that 99, or 84%, of the 118 children brought before the former court for truancy the year before the establishment of the new court were committed. Judge Baker's method was to give the children a trial on probation in the court—a method which resulted in a very radical reduction in the number of commitments. The efforts of the schools themselves to cure truancy without resort to the court proved so successful that it was decided that there was no longer need for a truant school. Accordingly the Parental School was abolished. Now truants must first be sent to a disciplinary day school before they can be complained of in the court for truancy. If they truant there they may be complained of in court and put on probation, or, if commitment is proved necessary, boys may be sent to the Suffolk School and girls to the State Board of Charity. As a matter of fact, it has never been found necessary to commit a girl for truancy in the Boston Juvenile Court.

<sup>3</sup> and <sup>4</sup> The total causes for which children were brought to court in any year exceeds the number of children brought to court in that year, because in some instances the same child came in more than once during the year.

## DISPOSITION OF THE CASES

*Delinquent and Wayward Children Ordered Committed\**

	1911-12	1912-13	1913-14	1914-15	1915-16	Total
Mass. Reformatory (boys).....	3	2			1	6
Ind. School for Boys, Shirley.....	26	24	49	20	13	132
Suffolk School (boys)	21	19	12	11	4	67
Lyman School (boys)	33	33	28	40	19	153
Berkshire Ind. Farm (boys)°.....		1		1		2
Parental School.....	5		2			7
Ind. School for Girls at Lancaster.....	22	21	24	18	16	101
Daly Ind. School (girls)°.....					1	1
House of Good Shep- herd (girls)°.....	8	12	9	12	8	49
State Board of Char- ity.....	24	27	33	27	9	120
	<hr/> 142	<hr/> 139	<hr/> 157	<hr/> 129	<hr/> 71	<hr/> 638

*Neglected Children Ordered Committed*

	1911-12	1912-13	1913-14	1914-15	1915-16	Total
State Board of Char- ity and Trustees for Children of the City of Boston?...	40	40	24	20	19	143
Home for Destitute Catholic Children°	67	89	53	74	34	317
Home for Destitute Jewish Children°.					2	2
	<hr/> 107	<hr/> 129	<hr/> 77	<hr/> 94	<hr/> 55	<hr/> 462

*Number of Fines Imposed*

	1911-12	1912-13	1913-14	1914-15	1915-16	Total
Assault and Battery	6	13	9	7	1	36
Larceny.....	2	6	3	9		20
Gaming.....	19	26	12	14	2	73
Vio. Ordinances (inc. auto regulations)..	29	48	107	27	1	212
Violation License...	13	1		6		20
Violation Probation.	1	2	4	2	6	15
	<hr/> 70	<hr/> 96	<hr/> 135	<hr/> 65°	<hr/> 10°	<hr/> 376

## AMOUNT OF FINES IMPOSED FOR FIVE YEARS

	\$1	\$2	\$3	\$4	\$5	\$7	\$8	\$9	\$10	\$15	\$20	\$25	\$40	Total
Assault and Battery.....	1		9		11				9	1	2			\$228
Larceny.....	4				1			2	6	1	2	1	1	207
Gaming.....	7	22	17	5	20				1					232
Vio. Ord.....	94	56	27	1	25	2	2		6					506
Vio. License.....	14	3	1		3									38
Vio. Prob.....	2	7	4		1									33
	122	88	58	6	161	2	2	2	22	2	4	1	1	\$1244

## CHILDREN PLACED ON PROBATION

1911-12	1912-13	1913-14	1914-15	1915-16	Total
379	377	308	307	385	1,729 <sup>10</sup>

## FOUND NOT DELINQUENT OR NOT GUILTY

1911-12	1912-13	1913-14	1914-15	1915-16	Total
49	29	13	7	27	125

<sup>6</sup> In 72 instances appeals were taken from these orders to the Superior Court, and in most of these instances the Superior Court refrained from committing and placed the children on probation, or filed or nol prossed their cases.

<sup>8</sup> The court has no authority to commit a child to any private institution, but in certain cases if parents prefer any private institution, the child is placed on probation, making it a condition of the probation that the child shall be placed in the institution desired and not taken out without the consent of the court.

<sup>7</sup> The cases of 15 of these children were appealed.

<sup>8</sup> Children are not permanently committed to this private institution but are placed in its care on continuance under Acts of 1903, chap. 334, sec. 3, subject to recall by the court at any time.

<sup>9</sup> The falling off in the number of fines imposed is explained by the fact that in 1915 the practice was begun of ordering the payment of costs in lieu of fines in most instances in which a money penalty was deemed advisable. Thus from April to October, 1915 costs were ordered in 57 cases, amounting to \$121.87; and in 1915-16 costs were ordered in 98 cases amounting to \$266.98.

<sup>10</sup> The radical reduction in the number of children placed on probation (the total for the first five-year period was 2,646) is explained by the fact that many cases were disposed of by filing or the ordering of some money penalty rather than by placing the children on probation. This was done not because of any feeling that the children would not have been helped by probationary oversight, but because a more careful selection of those children to be placed on probation was deemed necessary on account of the inadequate number of probation officers assigned to the court.

## DEFAULTS

There were on September 1, 1916, 128 children who had defaulted and whose whereabouts were unknown; 79 of these were delinquent or wayward children, and 49 were neglected children.

## AGES

Compilation of the ages in 2,184 cases of children brought to court for larceny and kindred offences in the five years gives (omitting fraction of a per cent) the following percentages:\*

<i>Years</i>	<i>Per Cent</i>	<i>Years</i>	<i>Per Cent</i>
Seven.....	1	Twelve.....	14
Eight.....	3	Thirteen.....	13
Nine.....	5	Fourteen.....	15
Ten.....	8	Fifteen.....	14
Eleven.....	8	Sixteen.....	17

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\* Compared with the table of ages for the first five years, these percentages indicate a greater number of little boys brought to court—one quarter, instead of one fifth, were under twelve years of age. This suggests that there is constant recruiting of the ranks of delinquent children among the younger ones, which is bound to go on until really effective constructive agencies for the safeguarding of children in the home and on the street are operative.

Also it suggests, possibly, a recognition of the appropriateness of bringing little children into a juvenile court when it would not be considered appropriate to bring them into an adult criminal court. From this point of view, the bringing of more younger children to court is encouraging; for the earlier a child with delinquent tendencies is brought under the influences of that department organized for his protection, the greater the chances of success in correcting those tendencies. Whether the department organized for his protection should be a part of the judicial machinery or of the school department is a question that has been much under discussion.

## REPEATING

*Repeating in general.* Of the 786 children who were found delinquent in the year 1911-12, 228, or 29%, were found delinquent more than once during the five year period. The details are as follows:

<i>Two Times</i>	<i>Three Times</i>	<i>Four Times</i>	<i>Five Times</i>	<i>Six Times</i>
148	50	20	7	3

*Repeating offences other than violations of ordinances and license regulations.* Of the 525 children found delinquent in the year 1911-12 for offences other than violation of ordinances and license regulations 148 or 28% were found delinquent more than once during the five year period for offences of that same restricted class. The details are as follows:

<i>Two Times</i>	<i>Three Times</i>	<i>Four Times</i>	<i>Five Times</i>
98	29	15	6

*Repeating by children placed on probation.* Of the 379 children placed on probation the first year (1911-12) 143 or 37% were either committed for failing on probation or were found delinquent again during the five years for some offence other than violation of ordinances or license regulations.\*

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\* Of the children placed on probation, 326 were boys and 53 were girls; 136, or 41.7%, of the boys and 6, or 11.3%, of the girls were committed for failing on probation, or were found delinquent again in the five years for some offence other than the violation of ordinances or license regulations.

# OFFICERS OF THE BOSTON JUVENILE COURT 1911-1916

## *Justice*

HARVEY H. BAKER

Died April 10, 1915

FREDERICK P. CABOT

Appointed Feb. 5, 1916

## *Special Justices*

PHILIP RUBENSTEIN

FRANK LEVERONI

## *Clerk*

CHARLES W. M. WILLIAMS

## *Probation Officers*

ROY M. CUSHMAN

Resigned Oct. 1, 1915

JOSEPH CONNOLLY

Sept. 1, 1911-Sept. 30, 1912

JOHN B. O'HARE

Oct. 1, 1912-

JOHN M. KINGMAN

Oct. 1, 1915-

MAY A. BURKE

Oct. 1, 1915-

JANE E. STONE

Oct. 1, 1915-

## *Agent of the Council of Jewish Women attending the court in the nature of a probation officer for Jewish children*

KATHERINE WEISMAN

Resigned May 31, 1912

KATE R. BOROVY

April 1, 1911-May 31, 1913

LUCY S. SANDBERG

Oct. 1, 1912-May 1, 1914

EDITH B. KOFF

June 1, 1913-

JANE E. STONE

July 1, 1914-Sept. 30, 1915

## *Agent of the St. Vincent de Paul Society attending the court in the nature of a probation officer for Catholic girls*

LILLIAN F. FOSS

Resigned Oct. 31, 1913

MARGARET MAHER

Nov. 1, 1913-Jan. 31, 1914

## *Agent of League of Catholic Women attending the court in the nature of a probation officer for Catholic girls*

MAY A. BURKE

Feb. 1, 1914-Sept. 30, 1915

**JUDGE BAKER**  
**ON**  
**THE PROCEDURE OF**  
**THE BOSTON JUVENILE COURT**





## JUDGE BAKER ON THE PROCEDURE OF THE BOSTON JUVENILE COURT\*

The Boston Juvenile Court is administered on the assumption that the fundamental function of a juvenile court is to put each child who comes before it in a normal relation to society as promptly and as permanently as possible, and that while punishment is not by any means to be dispensed with, it is to be made subsidiary and subordinate to that function.†

The officials of the court believe it is helpful to think of themselves as physicians in a dispensary. The quarters of the court are well adapted in location and arrangement for carrying out that conception. Although they are in the main court house of the city, they are adjacent to the quarters of the Supreme Judicial Court and the Probate Court, in the portion of the building most remote from the criminal courts. They are in a quiet corner overlooking an interior quadrangle quite away from the notice of passers on the street or persons in the court house on other business. They comprise a large waiting room, 37 by 25½ feet, where offenders and all other persons attending the court wait for the cases to be called, and the judge's small private room, 17½ by 12½ feet, where all cases are heard. There is no regular dock or detention enclosure connected with the general waiting room and the children usually sit with their parents in chairs placed along the sides of the room. Occasionally a boy who is under arrest and likely to yield to the temptation to leave without permission is placed behind the railing which keeps the general public at a

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\* Reprinted by permission from the *Survey* of Feb. 5, 1910.

† "This act shall be liberally construed to the end . . . that as far as practicable (children) shall be treated, not as criminals, but as children in need of aid, encouragement and guidance. Proceedings against children under this act shall not be deemed to be criminal proceedings." Extract from the general law prescribing the method of dealing with juvenile offenders in all courts in Massachusetts (St. 1906, c. 413, §2).

proper distance from the clerk and his papers, or a girl is placed with the stenographer in the probation officers' record room. There are no uniformed officials.

The statute establishing the court provides that "so far as possible the court shall hear all cases in chambers" (St. 1906, c. 489, §5) *i.e.*, in the judge's private room. The judge's room cannot comfortably hold more than a dozen persons, and there are seldom that many in it together. It is entirely without decorations or objects which might distract the attention of a child. The presence of the clerk and stenographer is dispensed with, and the probation officer is the only court attendant ever in the room. With the exception that the judge sits on a platform about six inches high, much like a school teacher's platform, there is no more formality of arrangement or attendance than there is in a physician's examination room.

The statute establishing the court also provides that "all persons whose presence, in the opinion of the court, is not necessary shall be excluded from the room" (St. 1906, c. 489, §5). Acting under this provision the judge excludes all newspaper reporters and all other persons having only a general interest in the proceedings. The sheltered location of the room, the absence of decoration, the dispensing with attendants and the exclusion of outsiders give the simplicity which is necessary to gain the undivided attention of the child, and give the quiet which is indispensable for hearing clearly what the child says and speaking to him in the calmest tone.

When the judge is ready to hear a case the probation officer brings in the child from the waiting room. The child does not stand in front of the desk, because that would prevent the judge from seeing the whole of him, and the way a child stands and even the condition of his shoes are often useful aids to a proper diagnosis of the case. The child stands at the end of the platform where the judge can see him from top to toe, and the judge sits near the

end, so he is close to the child and can reassure him if necessary by a friendly hand on the shoulder. The platform is just high enough to bring the average child's eye about on a level with the eye of the judge.

If it seems likely that the child will be inclined to hold back the truth about the affair which has brought him to court, the judge sometimes talks with him entirely alone, and frequently talks with him in the presence of no one but the probation officer. This is done to relieve the child of the embarrassment, and indeed the fear, which he often feels in speaking the truth in the presence of his parents.

The judge always has the formal papers of the case in his hand, but, except in the few cases where a fine is likely to be imposed,\* there is no formal reading of the complaint, and the child is not required to make any formal answer such as pleading "guilty" or "not guilty." The examination varies in its details according to the nature of the case and the character of the child, but the following will give a general idea of the usual examination and adjudication:

"John, do you know what you have been brought to court for?"

"I suppose it is about Mrs. Doe's money."

"What have you got to say about it?"

"I took it, but it was the first time," etc.

The attendance of at least one parent at court at the beginning of the case is of course always insisted on, and after the above conversation the parents and the police officer in charge of the case, and sometimes the aggrieved parties, are brought into the room, if they were not admitted with the boy, and the judge says:

"John says it is true that he took Mrs. Doe's money and I adjudge him delinquent, and he has the right to appeal."†

\* In Massachusetts regular criminal proceedings must be resorted to in order to impose a fine on a child (see St. 1906, c. 413, esp. §11).

† The statutes of Massachusetts give the right of appeal to the Superior Court from all inferior courts, because the inferior courts cannot hold jury

*by doing so they assume charge of each child from confirmation*

The police officer is then dismissed, the child sent out of the room, and the judge talks over the case with the parents and the probation officer; and the parents can thus be admonished, if admonishment is necessary, without the risk of lowering them in the estimation of the child and thereby further impairing their already insufficient control. Then the child is brought back and informed of the disposition of his case, with such comments on his past behavior and such admonition or encouragement as seem appropriate.

If the child denies the truth of the charge against him, the judge sometimes talks with him at considerable length, reasoning with him, but never threatening him or offering inducements to him directly or indirectly, or asking him to inform on other children unless they are much older than he. The child is told in the course of a free conversation between him and the judge that in this court there is only one thing worse than stealing (or whatever the child is supposed to have done), and that is not telling the truth about it afterwards; that children often keep back the truth because they are afraid, but nothing worse can happen to him if he tells the truth himself than will happen to him if the judge believes the officer and witnesses and gets the truth from them. He is asked if he is not keeping back the truth in the hope that so long as he denies it himself, his parents may refuse to believe the witnesses, and he may thus escape a whipping. He is asked (if he appears pretty intelligent) if he were the judge which he would believe, the witnesses or the boy, if the grown-up witnesses said one thing and the boy another. He is asked if his story seems to be reasonable; if the court is not treating him squarely to give him so full an opportunity to tell his story, and whether he is sure he is treating the court fairly. He is

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trials, and the right to trial by jury is provided for even in the cases of delinquent children, because it is not clear that the commitment of children might not be held to be a deprivation of liberty which, under the Constitution of the Commonwealth and the Constitution of the United States, calls for a trial by jury. (See St. 1906, c. 413, §5.)

asked if the boys don't say: "Never confess when you are caught and the judge may be in doubt and let you off." He usually admits that that is the case, and he is told that it is true that he may get off that way this time, but that he cannot always succeed, and if later a court finds him acting that way in a case, it will go much harder with him.

All these pains are taken to get the boy to tell the truth himself because it greatly enhances the efficacy of the subsequent treatment of the case, first, because the child is much more receptive to the advances of the judge and probation officers after he has confided in them, and second, because his parents are much more ready to accept the intervention of the judge and probation officers and coöperate with them when the child admits his fault, for they are apt to be quite unwilling to accept the statements of the witnesses against the child's denial, and so long as they believe in the child they regard the judge as a tyrant and the probation officer as an intruder.

If the child persists in denying his delinquency, his parents and the police officer are brought in, and the case is heard in the ordinary way (except that only one witness is in the room at a time), but at a hearing conducted under such circumstances as those described above shy children talk more freely than in public and bold children cannot pose as heroes.

It should be added that offenders brought before the juvenile court have just as much right to be represented by counsel as offenders brought before any other court. This right is fully recognized, and when counsel has entered an appearance no step is taken without consulting him, and he may conduct the case in the same way in which he would conduct it in any other court, although in most instances even counsel who are the most technical in other courts actually coöperate with the judge of the juvenile court in trying to make parents understand that the court is only seeking to do what is for the best interest of the child in the

long run, and in persuading them to submit to the orders of the court.

In determining the disposition to be made of the case the procedure of the physician is very closely followed. The probation officer investigates the case and reports to the judge all available information about the family and other features of the environment of the boy, the boy's personal history at home, in school, at work, and on the street, and the circumstances attending the particular outbreak which got him into court. The boy himself is scrutinized for indications of feeble-mindedness or physical defects, such as poor eyesight, deafness, adenoids. The judge and probation officer consider together, like a physician and his junior, whether the outbreak which resulted in the arrest of the child was largely accidental, or whether it is habitual or likely to be so; whether it is due chiefly to some inherent physical or moral defect of the child, or whether some feature of his environment is an important factor; and then they address themselves to the question of how permanently to prevent the recurrence. If there is any reason to believe the child is feeble-minded, he is submitted to a specialist; if there are indications of physical defects, he is taken to a dispensary; if the environment seems to be at fault, a change is secured through the parents by making them realize that the child will be taken from them if they do not make the change, or where the parents are unable to make the change or are themselves the disturbing factor the child is taken away by the court. Of course the court does not confine its attention to just the particular offence which brought the child to its notice. For example, a boy who comes to court for some such trifle as failing to wear his badge when selling papers may be held on probation for months because of difficulties at school; and a boy who comes in for playing ball in the street may (after the court has caused more serious charges to be preferred against him) be committed to a reform

school because he is found to have habits of loafing, stealing or gambling which cannot be corrected outside.

Only a very small portion of the children are committed to institutions, and in the treatment of the very large number who are suffered to remain at home the procedure of the physician is again closely followed. If the child's fault is not due to any deep seated difficulty and is trifling in its character, such as throwing stones in the street, he may be sent home to copy an eight-page pamphlet containing extracts from the ordinances regulating the use of streets and laws which children are likely to violate, and the judge sees him only once more, to examine him on his work when it is finished, just as a physician might do in the case of a burn or a bruise. If the offence is serious and likely to be repeated or the conditions surrounding the boy are such that he is liable to have a serious breakdown or if the cause of the difficulty is obscure, he is seen by the judge at frequent intervals, monthly, weekly, or sometimes even daily, just as with the patient and the physician in case of tuberculosis or typhoid.

While much stress is laid by the judge and probation officers on the analogy of their work to that of the physician, they fully appreciate that the analogy is not perfect, and they modify their procedure and treatment accordingly. The patient attends the dispensary of his own volition and is under no obligation to follow the prescription, while the offender is compelled to come to court and obeys the orders of the officials on pain of the loss of his liberty for disregarding them. This makes it essential, in order to avoid any appearance of star chamber proceedings, that greater latitude be allowed in admitting persons to the judge's "chambers" than in admitting persons to the physician's examination room; and while reporters and private citizens having only a general interest in the proceedings are excluded the judge freely admits public officials interested in the preservation of law and order, trustees and officers of



reform schools, school masters, officers of private societies dealing with children, clergymen and social workers, taking care, however, not to have more than one or two present at a time. Of course there is the important additional reason for admitting many of the visitors just mentioned, that they can greatly increase the efficiency of the work of the court by bringing to bear on it fresh minds and new points of view, and the judge takes advantage of this by conferences with the observers in intervals between cases and after the hearings are over. Even the mere presence of such visitors in reasonable numbers modifies and tempers wholesomely the attitude and action of the judge.

Furthermore, morals enter more largely and directly into the work of the court than into the work of the dispensary, and therefore it seems desirable to create deliberately to some extent an atmosphere of seriousness and solemnity in the proceedings. The quietness of the location, the plainness of the room, the small number of persons present and the judge's platform all contribute to this end. Then again it is probably in the interest of efficiency that the fact of the court being a department of public authority and having power to compel compliance should be indicated distinctly (though not so obtrusively as to overawe or seriously embarrass) especially where many of those who attend the court are ignorant, and for that reason children and parents are usually kept standing while talking with the judge. The platform contributes to this purpose also.

The physician never causes his patient pain if he can help it, indeed he is constantly directing his attention to the avoidance of that incident of treatment. The judge and the probation officers, on the other hand, from time to time deliberately cause the child discomfort, because the discomfort of punishment affords in some cases an indispensable stimulus or moral tonic which cannot be supplied in any other way. The most serious form of pure punishment to which the court resorts is the confinement of the

child and his separation from his home for a brief period. Occasionally arrangements are made with parents to confine children at home or give them corporal punishment. School boys are from time to time required to spend parts of holidays or vacations copying laws or other appropriate matter in the probation officers' record room under charge of the stenographer. Fines are sometimes imposed for violation of probation or for the repetition of minor offences, and made payable in installments out of the child's spending money.\* The punishments thus administered are always considered by the court as subsidiary and incidental to its main function of putting the child right, and they are not given for retribution or example.

It is recognized, however, that, while in most cases the public interest is best served by doing what is best for the individual, there are instances of offences committed under such circumstances as to come to the attention of a large number of young people where an example may be more efficacious, and in such cases punishment pure and simple is summarily inflicted.

Little emphasis has been laid in the course of this description on the analogy of the function of the judge and probation officers to that of parents, because it is believed that the analogy of the physician is more thoroughgoing. The judge and probation officers in most cases of children on probation take the parental attitude to a very great extent, but on reducing the proposition to its lowest terms it will be recognized that the officials of the court must always have in mind that the court is in its essence a remedial agency, like a hospital; that there is something the matter in or around the child, else he would not have come to their attention; that it is their business to discover and remove or counteract that something; that while in many cases

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\* It is found that most children, even though their parents are very poor, have from ten to fifteen cents a week to spend for pleasure. Of course it is only the children who are earning something who have the larger amounts.

service like that of parents is what is needed to effect the cure, it is not always the lack of proper parental care that causes the trouble, and they must in all cases work toward the end of discharging the child as soon as there is reasonable assurance that he can take care of himself or can be adequately cared for unofficially.

In addition to the foregoing statement of the general course of procedure of the court, there are some further statements which must be given to make the account complete.

The cases of girls are handled from the very beginning by women and the men probation officers have nothing to do with them, except to make sure in cases of arrest that the girls are promptly turned over to an accredited woman agent or their parents. If a girl is arrested, a woman is at once called by the probation officer to the police station to take her in charge, unless her parents arrive promptly and are considered fit to hold her until court opens again. When she comes into the judge's chamber she is attended by a woman, who remains constantly in attendance throughout the examination. The judge never talks with girls alone as he sometimes does with boys. If a girl is committed to an institution she is taken by a woman. The court has no women probation officers and all the services in the girls' cases are performed by the women agents of the Massachusetts Society for the Prevention of Cruelty to Children, the Boston Children's Aid Society, the Council of Jewish Women, the St. Vincent de Paul Society and the Boston Italian Immigrant Society. After a girl's case has been heard she is kept away from the court as much as possible, and is not brought to court to report during a term of probation except in cases of conduct requiring very serious admonition.

The cases commonly called in Massachusetts "neglect" cases, and called in other jurisdictions cases of "improper guardianship" and the like, although intimately connected with the causes of juvenile delinquency are not very closely

related to the procedure in cases of juvenile delinquency, because so far as procedure is concerned the court has little contact with the children in neglect cases. The judge sees the children for a moment at the beginning of the case, and they are dismissed from his room before the evidence of the parental unfitness is given, as the proceedings are virtually against the parents. The hearings are private in these cases as well as in the ordinary cases of juvenile offenders, and this privacy is most useful in the many conferences which are held by the judge with parents and relatives as to the proper adjustment of the cases.

The court avails itself very often of outside assistance in other instances than those already mentioned, and there are fifty different departments, institutions and agencies to which the court frequently turns for help in conducting or disposing of cases.

No handcuffs or similar devices are used on any boy by any officer of the court.

Although an account of probation, which is the most important part of the court's work, is not germane to the subject of this article, it is desirable to give some information about the probation officers, for they are the sole executive officers of the court, there being no deputy sheriffs, constables, or other court officers of any description attached to it. Indeed, the probation officers are the arms and, to a great extent, the ears, eyes and brains of the court in delinquent cases.

The ideal probation officer should have all the consecration of the devoted clergyman, all the power to interest and direct of the efficient teacher, and all the discernment of the skilful physician. Two salaried probation officers are provided by law. They are appointed by the judge and hold office during his pleasure. The judge is unrestricted in his power of appointment and removal. One officer takes care of the delinquent children living north of the court house, the other of the children living south of the court house. Each investigates the cases of delinquent

children from his own territory, and attends to those cases in all proceedings in court. They each investigate about 350 cases a year, and supervise on probation about 150 children at a time. In addition to the regular probation officers there is a paid agent of the Council of Jewish Women who gives all her time to the court. She is for practical purposes a third probation officer and does as much work as a regular officer. Even including this agent the number of officers is not by any means so large as it should be to give adequate service.

There is no regular corps of volunteer probation officers, meaning by "volunteers" persons not receiving pay for their services from any source, public or private. However, a great deal of unpaid assistance is enlisted by the probation officers in probation cases, the helper being usually some relative, friend, neighbor or clergyman of the family, who acts under the supervision of the probation officer.

Offenders do not come to this court after they are seventeen years old.

The court does not deal with cases from all parts of the city. It has jurisdiction only over those cases which arise in the central parts commonly known as the North, West and South Ends, and the Back Bay. These comprise the most congested districts of the city, and the greater portion of its immigrant population. The number of children brought before the court during the year ending August 31, 1909, was 1,448.

It must be borne in mind that this account is not intended to be a complete account of the work of the court, or even of the most important features of the work. For example, there is nothing about probation, which is the most important part of the work with delinquent children. It is intended to cover only the "procedure" of the court, which means the conduct of the cases by the judge and the other court officials in the court house.

**THE WORK OF THE  
JUDGE BAKER FOUNDATION**



## THE WORK OF THE JUDGE BAKER FOUNDATION

By WILLIAM HEALY *and* AUGUSTA F. BRONNER

To attempt *understanding of success or failure* through analysis of the causes which lie beneath is the practical scientific procedure today in many fields. In various departments of the business world, in modern agriculture, in all sorts of industries, in making our army efficient and, of course, existing as the very backbone of scientific method the study of causation has proved itself of commanding value.

Understanding must be the scientific watchword, too, in all intelligent effort toward solving the problems of conduct and mental life. These problems always involve reactions, interplay, the response of the individual's mind and body to his given world. Such reactions call for interpretation of both human nature and environment.

It is only a step toward understanding response or reaction when conduct and mental performance are known merely by such facts as can be gleaned through ordinary inquiry. Nor is adequate understanding of conduct achieved even when the mental and physical status of the individual is determined by special investigation, highly important though this may be. Real understanding in nearly every case requires much more, it involves knowledge of the interplay of causes, of the more or less hidden aspects of personality and motive and experience that have been impelling forces in the social behavior in question.

The fact is that if you would know your young human being, the person still in the formative period, who is not doing well and would understand his behavior, you must be willing to go beneath superficial manifestations and



make inquiry into what underlies readily visible character and conduct. Nothing is any surer in this field than that there is much more under the surface than appears on top and that what *seems to be* is often not at all a true picture of what *really is*. A multitude of illustrations might be given in evidence: important bodily diseases or weaknesses may not be apparent upon inspection; mental defect or aberration may not be betrayed by features or expression or by response in ordinary conversation—nor does a dull-appearing face always betoken a dullard's mind; capabilities most important for the individual's welfare are often unrecognized; significant habits may not be more than barely suggested to even an expert observer; the parents may not be aware of whole regions in their child's mental life which are absolutely determining factors for conduct; companionships and interests and ideas and "sore spots" which are vital centers for engendering misbehavior may not be in the least brought out by ordinary interrogatories at home or elsewhere.

That such matters of deepest concern to the young individual, the family and to society may be understood, a technical study must be undertaken. This demands a thoroughly sympathetic attitude and a patient gathering of facts from the points of view of relatives as well as from the individual in question. It requires a summing up and interpretation of findings and facts with due regard to their interrelationships and comparative values.

A boy, for example, comes with the common charges, truancy and stealing on the street, held against him. Met in a friendly spirit, impressed by our desire to be coöperatively helpful, the boy and his parents soon themselves mirror this attitude. The latter tell us that their boy steals frequently from home. After patient gathering of necessary data we discuss these for our summary: Examination shows diseased tonsils and several decayed teeth;

are they, bad though they are for his health, any factor in his delinquency? Has the father's periodic drinking anything to do with the boy's misbehavior? Is the fact that he evidently has a special defect for arithmetic the cause of his truancy? (After we find by testing that this defect exists he tells us of his peculiar nervousness in his class in number work.)

But going further—the boy being encouraged to talk freely of his interests and troubles—we learn of his earliest truanancies in company with an older delinquent, who with him spent money which had been unlawfully obtained at home and who introduced him to the thrilling art of stealing on the street and who on the same occasions made him most unfortunately acquainted with other matters which, he tells us, his mind has never been free from since. He reasons out with us that his home seems good to him and that the hold which misconduct has upon him is due to school dissatisfaction and to his impulses derived from the effect of recurrent memories of what he learned from the boy whom he accompanied on those early excursions. Can there be any doubt that the overt facts—teeth and tonsils and drinking father—in this case do not form the real causation and that adjustments should be made which shall meet the boy's deeper needs. Unadjustment has already for long led to his repetition of offense, but adjustment probably will lead to success, for we know of many similar instances in which appropriate measures of treatment have successfully altered the tendencies to misconduct.

Or a boy or girl comes accompanied by the report of failure in school to the extent that the pupil is considered an out-and-out defective. Do we discover previously overlooked disabilities of eyesight or hearing that might account for nonacquirement of school knowledge? Or does an investigation of physical conditions indicate a

cause for extreme mental lethargy? Or is there indulgence in bad habits of any kind that might greatly deplete mental energy? By testing is there to be found any proof of general mental defect, or is some peculiar disability in a specialized field responsible for backwardness? We have found just such unrecognized specific hindrances to educational advancement and we have known remarkable instances of great alteration in the social and educational situation of the individual following upon relief of the sensory disability or treatment of the physical condition or habit. And use of a method of teaching especially adapted to the special type of learning disability or to compensating abilities as unearthed by psychological testing proves in appropriate cases of very great value.

The chain of causal events and the separate links in the chain are of intense interest to the student of the problem and are items of great practical import. Here, for instance, is one sequence showing a few of the many variabilities to be found in different cases:

Stealing—led up to by association with bad companions.

Association with bad companions—made possible through street life.

Street life—resulting from truancy.

Truancy—caused by school dissatisfaction.

School dissatisfaction—arising from lack of interest in unsuitable school work.

Unsuitability of school work—the resultant of demotion.

Demotion—a disciplinary measure for misbehavior in school.

Misbehavior in school—the expression of the activity of a supernormal boy (who was already in a grade too low for him).

The Judge Baker Foundation came into existence to render exactly this sort of service, to look beneath externals and, attempting to meet the needs in particular situations, to go as far as may be practically possible in understanding the personality and problems of young individuals whose conduct or mental life is not in accord with the norms of society.

Judge Baker himself saw clearly, as may be read in his report, that the next step in juvenile court work must be to try to get at the facts which are really fundamental in a diagnostic sense before prescribing and carrying out treatment along any lines. The value of the court taking the parental attitude in handling young offenders, the necessity of separating them for this from adults had long ago been perceived, and then came the framing of a juvenile court law. Juvenile court procedure and technic, to which Judge Baker made such a notable contribution, of necessity must have been developed next. But few of the ideals of practical accomplishment can ever be realized without reaching out for the diagnostic issues which alone contain the germs of success.

It is not that the inquiry starts from the premise that any particular type of trouble in all likelihood will be found forming the causative background—neither adenoids, feeble-mindedness, degeneracy, original sin, smoking, or anything else that has been stressed by enthusiasts for reform of the world. Any one or more of hundreds of conditions, experiences, or habits may be involved. The individual must come as an unknown quantity and it is in confessed ignorance of the true underlying facts that one begins properly and patiently to find them.

One who would understand must first lay aside the natural preconception that the boy is simply a small man, the girl a small woman, and consequently subject to the same interpretations of behavior impulses and tendencies as the adult. Now, as a matter of fact, the whole of modern child-study is built up on the definite findings that children do differ from their elders in much more than in matters of quantity or size. It is not a question of gradual growth. There are distinctions which represent totally different attitudes, appreciations, and points of view. Knowing the

adult does not mean knowing these younger ones, as if they were merely the same in lesser degree.

And that children are alike enough to be pigeonholed into a few general classifications is another preconception to be given up. We particularly would insist that the differences between children, even of the same age, are immense and are vitally important to know for their successful moral or educational treatment. There are essential variations in emotional tendencies, intelligence, habits, experiences, and physique. If, without recognition of what these have meant and what they portend judgment is rendered on the individual, such judgment is absolutely shallow.

A rational study of human differences must always include the grading up that corresponds to the best possible accomplishment, as well as the grading down that follows discovery of innate disabilities. Both sides of the shield need to be known for a practical diagnosis. Particularly do we need to discover latent potentialities in all cases, even those with well defined physical or mental defects. This being fair to the whole make-up of the individual is a matter of social import, of the child getting the best chance to develop into a happy, nondelinquent, self-sustaining adult life. The loss to the person who is balked in enjoying the full measure of his mental birth-right is only to be measured by the loss which, through the failure, is sustained by society.

After a fairminded study has been made of the young person, recommendations are necessarily in order if the work done is to achieve results. These include, of course, the widest variety of suggestions; it may be that we suggest farm life and placing in another family, or continuance in the home circle with better confidences and different mental interests, or some surgical operation, or special educational training or more physical exercise to take care

of dangerous superabundant energy, or institutional life, or any of hundreds of other possibilities for the individual. As the mental, the physical, and the social aspects of the case have to be studied, so they all must have their place in recommendations and treatment. Conclusions have to be clearly stated, conferences and counsellings have to be conducted and repeated, and gauges taken of the successes or failures of the measures set in action.

What definitely has to be undertaken in the way of curative or preventive treatment by the State or by welfare organizations is inevitably costly and it is the part of shrewd wisdom to have the expenditure of time, effort and money as well directed as possible. The cost of such diagnostic and advisory effort as we indicate is as nothing in comparison to the cost of an unmodified career of failure or misconduct and appears very slight by the side of actual outlays for unadapted therapeutic measures frequently carried on unsuccessfully over months or years of time.

The minimum study that any of our problem cases deserves requires considerable time and the tests used must be of a range sufficient to bring out possible capabilities and adaptabilities of various practical sorts as well as to grade according to age-level or so-called intelligence scales. To this must be added a survey of the physical needs and capacities in general as well as in the special sensory fields.

Then the significance of the characteristics of many individuals cannot be known without acquiring information about their development in earlier periods of life, so this has to be gone into with care, as well as facts of heredity which may have bearing. It is never safe to omit inquiry about peculiar social or mental experiences, either, or any influences which may have counted in formation of the tendencies or traits which are under question. And a side of mental life which is too often forgotten by psychologist

in sketching estimations and superficially developed prognoses must never be overlooked. This has particularly to do with the dynamic qualities of the mind and their relation to conduct. It is to be remembered that there are sometimes blockings, irritations, dissatisfactions, sorenesses which cause grudges, lack of normal inhibitions, subconsciously active tendencies to shunt off into misconduct the emotional effects of unfortunate experiences; as well as the opposites—freedom of expression of mental life, happiness in the output of good effort, buoyancy and the like.

As a matter of first statement from the Judge Baker Foundation—it is fully expected that later there will be forthcoming rather elaborate studies of the meanings hidden in this material—it may be said that during the two years of its existence 1200 cases have been studied. The treatment to follow the first diagnosis has been discussed with those responsible for setting in action reconstructive social processes. But this does not end the matter, of course. What would one think of a physician who, called in to a case, diagnoses a malady as typhoid fever, let us say, gives some advice about treatment, but never returns for further observations of complications, progress of the case or needs for other treatment. In a practical spirit already much critical supervisory follow-up work has been done on a large number of our cases.

It has been possible to extend our services in this way and to this number through the intense devotion of our staff to the work in hand. But our measure of achievement has been possible only through the warm coöperation of the judge and other officers of the court, of officials of welfare organizations, and of individual workers to whom the chance of making a more effectual effort has appealed. Nothing has been more delightful and helpful than our relations with these fine-spirited people.

We find that problems are being brought from ever-widening circles and that there is more and more inquiry concerning pre-court cases—in fact, the question is sometimes asked whether the individual ought to be brought into court. And then it is of no small interest to note that often, stimulated by the rationality of the study of their child, parents arouse to a more intelligent attitude—proved even to the extent of their bringing other problem members of the family to be studied. Through all this the demands upon the Foundation are steadily growing.

We now have one scholarship contributed for the purpose of giving expert training; opportunities also have been given over varying periods to specially qualified students to gain insight into special aspects of our problems and methods. We are occasionally able to extend our services for teaching and in the future we hope our facilities will be developed further in this direction.





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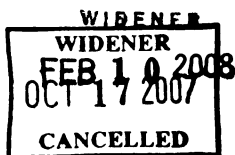
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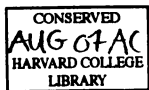
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